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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

11° & 12° VICTORIÆ, 1847–1848.

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COMPRISING THE PERIOD FROM

THE THIRD DAY OF JULY

TO

THE NINTH DAY OF AUGUST, 1848.

Sixth Volume of the Session.

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1848.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 18 NOVEMBER, 1847, IN THE ELEVENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SIXTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, July 3, 1848.

MINUTES.] *Took the Oaths.*—Several Lords.

PUBLIC BILLS.—*Reported.*—Imprisonment for Debt (Ireland).
3° Commons Inclosure.

PETITIONS PRESENTED. From several Parishes in and about London, in favour of the Public Health Bill.—From Limehouse, for the Better Observance of the Sabbath.—From Northallerton, against the Sale of Intoxicating Liquors on the Sabbath.—From Members of several Odd Fellows Lodges, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From Norfolk, for the Adoption of Measures for the Reformation of Juvenile Offenders.—From Shipowners, and Others, of Wokington, against any Alteration of the Navigation Laws.—From Guardians of the Basford Union, for the Repeal of the Law of Settlement, and for the Establishment of a National Rate and National Settlement.—From Protestant Inhabitants of Enniskillen, against the Present System of National Education in Ireland, and for the more Efficient Support of the Schools under the Superintendence of the Clergy of the Church.—From Merchants of Dublin, for the Postponement of the Imprisonment for Debt (Ireland) Bill for another year.—From Guardians of the Basford Union, against the Present System of the Game Laws.—From Kilmornivaig, and other Places in Scotland, against the Registering Births, &c. (Scotland), and the Marriage (Scotland) Bill.

ROYAL MARINES—GOOD-CONDUCT WARRANTS.

THE DUKE of RICHMOND wished to ask his noble Friend at the head of the Admiralty whether he proposed to give good-conduct warrants to the Royal Marines as well as to the Navy? He believed that the system of giving good-service warrants in the Army had been already found to be attended with very beneficial effects.

The EARL of AUCKLAND said, he agreed with his noble Friend that the practice of granting good-service warrants in the Army had been attended with considerable advantage. He proposed to extend the practice to the Marines as well as to the Navy.

STANDING ORDERS.

LORD REDESDALE moved the following Resolutions in order to their being made Standing Orders, and added to the Standing Order No. 23:—

"The name of the Lord who moves the Second Reading of any Public Bill shall be entered in the Journals of the House.

"The name of the Lord presenting a Public Bill to the House, and of any Lord who shall give notice to the Clerk Assistant that he intends to move the Second Reading of any Public Bill brought up from the House of Commons, shall be endorsed on the print of such Bill; and no print shall be delivered to the Lords without such endorsement; and the name of the Lord thus taking charge of any Public Bill shall be printed in the Minutes of Proceedings of the House in connexion with the same."

The LORD CHANCELLOR said, it appeared to him, that some delay and inconvenience might be created if Bills coming down from the Commons could not be immediately proceeded with by their Lordships.

Lord CAMPBELL said, he approved of the principle of the resolution proposed by the noble Lord opposite. He would suggest that the rule brought forward by the noble Lord should be extended to Divorce Bills. It had hitherto been frequently impossible to ascertain who was the Peer who had charge of a Divorce Bill, and much inconvenience was thereby produced.

Lord BROUGHAM said, he could see no difference between a Divorce Bill and any other Bill.

Earl GREY said, the practice in the House of Commons was, when a Bill came up from that House to endorse it "From the Lords," without specifying the name of any particular Peer; and a similar course prevailed in the House of Lords, to change which he thought would be inconvenient.

Lord BEAUMONT suggested that it would be sufficient to have the name of the Peer moving the second reading of a Bill entered on the Minutes.

Resolution agreed to as follows:—

"The Name of the Lord presenting a Public Bill to the House, and of the Lord who shall give Notice to the Clerk Assistant that he intends to move the Second Reading of any Public Bill brought up from the House of Commons, shall be printed in the Minutes of Proceedings of the House, in connexion with the same:

"The said Resolutions to be made Standing Orders; and to be added to the Standing Order No. 23."

Lord REDESDALE then, pursuant to notice, moved the following verbal alterations and amendments in the Standing Orders, namely:—

"In Standing Order No. 8, insert the Words—'the House shall proceed to nominate the Chairman of Committees, and' after the Word 'then' and before the Words 'the Committee for Privileges,' and to insert the Words 'the Chairman of Committees nominated after the Word 'reported.'"

"In Standing Order No. 26, to insert the Words 'for the First Time' after the Word 'committed.'"

"To add to the Standing Order No. 31—'That the Lord nominated Chairman of Committees at the commencement of every Session do take the Chair in all Committees of the House, and in all Committees of the Whole House, and in all Committees upon Private Bills, unless where it shall have been otherwise directed by this House:'

'That when the House is in a Committe of the Whole House, if the Chairman of Committees, or any Lord appointed by the House in his Place, shall be absent (unless by Leave of the Committee), the House be resumed.'"

"In Standing Order No. 155, to insert the Words 'for the First Time' after the Word 'committed:'

"To leave out the Proviso at the End of the Fourth Section of Standing Order No. 224."

After a protracted conversation, Motion was agreed to.

House adjourned.

HOUSE OF COMMONS,

Monday, July 3, 1848.

MINUTES.] NEW MEMBERS SWORN.—For Cheltenham, Hon. Craven Fitzhardinge Berkeley; For Horsham, William Robert Seymour Fitzgerald, Esq.

PUBLIC BILLS.—1° Juvenile Offenders (Ireland); Trustees Relief (Ireland).

2° County Cess (Ireland).

Reported.—Landlord and Tenant (Ireland).

3° Prisons.

PETITIONS PRESENTED. By Dr. Bowring, Mr. Kershaw, and other Hon. Members, from an Immense Number of Places, in favour of an Extension of the Elective Franchise.—By Mr. C. P. Grenfell, and other Hon. Members, from several Places, for a Better Observance of the Lord's Day.—By Mr. Marshall, from Leeds, for Inquiry into the Case of the Rajah of Sattara.—By Mr. Masterman, from several Merchants of London, for Exemption of Stock in Bond and on Board Ship from the Proposed Alterations in the Sugar Duties.—By Sir J. Pakington, from Magistrates of the County of Worcester, for an Alteration of the Highways Bill.—By Mr. W. Miles, from Justices of the Peace in Quarter Sessions assembled, for the Establishment of Reformatory and Industrial Institutions for Juvenile Offenders.—By Captain Dalrymple, from the Commissioners of Supply of the County of Wigtown, for an Alteration of the Lunatic Asylums (Scotland) Bill.—By Sir J. Y. Buller, from Guardians of the Poor of the Newton Abbot Union, Devonshire, for an Alteration of the Law respecting Mendicancy.—By Mr. Ord, from the Shipowners of Newcastle-upon-Tyne, against the Merchant Seamen's Fund Bill.—By Viscount Morpeth, from Guardians of the Bradford Union, for an Alteration of the Poor Law.

SUGAR DUTIES.

House in Committee on the Sugar Duties.

The CHAIRMAN read the Resolution. On arriving at the part of the Schedule imposing a duty of 13*s.* per. cwt. on Muscovado,

Sir J. PAKINGTON rose to bring forward the Amendment of which he had given notice, the effect of which would be that from the present time there should be a differential duty of 10*s.* per cwt. in favour of the produce of the British colonies. He proposed to effect that object by lowering the duty upon British colonial sugar at once to 10*s.* the cwt., instead of 14*s.*, which was the present duty, or of 13*s.*, which was the sum proposed by his right hon. Friend the Chancellor of the Exchequer, for the ensuing year. He would not trespass at any great length upon the House after the indulgence which they had accorded to him when he had previously discussed the same proposition; but there were a few points to which he could not help reverting. And, in the first place, he should say that he thought he had some reason to complain of the charges which the noble Lord opposite (Lord J. Russell) had twice brought against him, of causing much embarrassment and delay. Now, he thought that a most unjust accusation. Delay and embarrassment he admitted there had been; but he contended that the delay was inevitable, and the embarrassment was the fault entirely of the noble Lord himself. With regard to the delay, did the noble Lord really expect that a subject of such magnitude, involving the prosperity of the British colonies, and the revival of the slave trade, was to be passed over and disposed of in a single night's debate? The noble Lord ought to have foreseen that it would be impossible to get over such a question without considerable delay. And as to the embarrassment, it had arisen from the vacillation of the Government in not having determined how, and in what manner, they meant to deal with the distress of the colonies—a matter with which they had been sufficiently made acquainted. The Governors of the various West India colonies had been sending home despatches relating to the distress which existed in them, and the noble Lord the Member for King's Lynn had moved early in the Session for a Committee on that distress, and that Committee had been reporting from time to time. On the 29th May the noble Lord opposite (Lord John Russell) said the Government were determined to stand by the provisions of the Act of 1846. But on the 16th June he came down with a string of resolutions involving the total alteration of the Act of 1846. It was a subject which, introduced at such a date, could not well be discussed before the 5th July; and he (Sir J. Pakington), on a full consideration of the course which he had adopted, and of which the noble Lord complained, saw no cause to repent it. It was true, indeed, that he had changed the form of his original resolution; but he was justified in taking that course when he saw the disfavour with which the scheme of the Government was received, and he felt himself bound to give the House of Commons an opportunity of declaring how far they thought the measure of the Government was an efficient or an adequate remedy for the distress of the West India colonies. The success of the Government upon the division was equivalent to a defeat. The fact of the noble Lord having carried the resolutions, even by a small majority, was to be attributed to the state of political parties, which made some hon. Gentlemen give their votes in a manner different from that which they would give them under other circumstances, they being unwilling, in the present condition of affairs, to embarass the Government. What was the proposition of the Government? They proposed that there should be a differential duty of 7*s.* for one year, descending gradually by 1*s.* a year until the year 1854, when protection upon colonial sugar should cease altogether. Now, as he had said before, such a differential duty would be altogether inadequate to meet the case for which it was intended. It would be inadequate to remove the distresses of the colonists, and it would be wholly inadequate for the purpose of checking the slave trade. He had stated on a former evening that the difference between the cost of production in a slave-labour place and a free-labour British colony was about 15*s.* 9*d.* the cwt. The right hon. Baronet the Member for Ripon had said, that he (Sir J. Pakington), in attempting to establish his case, had proved too much; for that, whilst he had asserted the difference between slave-grown and free-labour grown sugar to be 15*s.* 9*d.* the cwt., he had asked for a differential duty of only 10*s*,. which could, of course, not cover the difference of cost. But, in perfect good humour, he would ask the right hon. Baronet if he had, in proving what the right hon. Gentleman called "too much," shown that even a 10*s.* differential duty would be too little, how was it to be supposed he could give his suport to a 7*s.* diminishing one, which would be still smaller? The noble Lord the Member for Lynn made the difference between free-grown and slave-grown sugar to be 2*s.* a cwt. less than his own estimate; whilst Lord Harris, in his despatches, made it rather more. But the argument which he had used was this, that the planters came to the House, and said that they were trying to economise in every possible manner; that they were trying to improve their machinery, to regulate their labourers, to lessen the cost of production; and until they could succeed in so far lowering their cost of production as to be able to meet the competitors, it would be in their power at least to carry on if they were protected by a 10*s.* duty. He had therefore not proved too much, neither was he open to another charge which had been brought against him, that he was enhancing the price of sugar to the consumer. There might be a question of revenue involved in his proposal; but, although 4*s.* a cwt. might by his plan go into the pocket of the planter, the price to the consumer would remain the same that it now is. He regretted to find himself under the necessity of differing from the right hon. Baronet the Member for Tamworth on the question. Whenever he differed from that right hon. Gentleman, he did so with the most sincere regret and great diffidence in his own judgment. But on the present occasion he could not avoid differing from the right hon. Gentleman. It would be impossible, he admitted, to return to the difference which had been made between foreign free-grown and foreign slave-grown sugar—a difference which had been established in 1845. But he did not see why they should not return to the differential duty of 10*s.* between foreign and British colonial sugar, which was established by the Government of the right hon. Baronet in the year 1845. He admitted that his proposition would to some extent endanger the revenue of the country; but he should not be deterred from proposing a plan that might save the West Indies, and check the slave trade, by any considerations of revenue. The depression of the colonial interests had been universally admitted; and it was also undeniable that the Act of 1846 had given a stimulus to the slave trade; and the Chancellor of the Exchequer was not justified in obtaining revenue by a measure which hurt the colonies and increased the slave trade. But having taken that broad and, as he believed, unassailable ground, he thought the Chancellor of the Exchequer did very much exaggerate the effect of the differential duty which he (Sir J. Pakington) proposed. The Chancellor of the Exchequer asserted that there would be a loss to the revenue by it of 960,000*l.* a year. [The CHANCELLOR of the EXCHEQUER: A reduction of duty to the amount of 4*s.* the cwt. would involve a loss of 960,000*l.*] Taken in any way the Chancellor of the Exchequer liked, he was prepared to dispute that the loss to the revenue would be anything like what his right hon. Friend said. The Chancellor of the Exchequer had assumed that the total quantity of sugar consumed in the year would be 310,000 tons. He had calculated the matter carefully, and he found that it was not likely to be less than 325,000 tons. The Chancellor of the Exchequer had estimated the quantity of British colonial sugar at 240,000 tons. He, after mature calculation and consultation with those who were amongst the best informed upon the subject, was assured that it was almost impossible the consumption of British colonial sugar should reach 240,000 tons. And his assurance upon that subject was founded upon the fact that all the predictions of the noble Lord the Member for Lynn, with regard to the falling-off in the growth of British sugar in the course of the present year, and which were founded upon similar information and calculation, were in course of being fulfilled. He had seen the returns from the British possessions of the quantities grown during the present year; and the falling-off from the Mauritius and the British West Indies was such as to justify completely the predictions made the year before by the noble Lord. He believed that the importations of sugar from the British colonies would not exceed 200,000 tons. It was hardly possible that they could amount to 225,000 tons. The total quantity imported, therefore, being likely to be 325,000 tons, and the colonies not being likely to send more than 225,000 of that, the difference would consequently be 100,000 tons of foreign sugar—an importation which would make the difference of revenue nothing like that which was estimated by the Chancellor of the Exchequer. For 225,000*l.* tons paying a 10*s.* per cwt. duty would yield 2,250,000*l.*, and 100,000 tons at a duty of 20*s.* per cwt. would yield 2,000,000*l.*, giving a total amount of sugar duties for the ensuing year of 4,250,000*l.* Now the revenue derived from sugar in the year 1846 was 3,883,209*l.* The sum received in 1847 was 4,382,469*l.* Therefore, taking the revenue as he had calculated it for the ensuing year at his proposed scale, to be 4,250,000*l.*, it would show a decrease upon the year 1847 of only 132,469*l.*, instead of 960,000*l.*, as calculated by the Chancellor of the Exchequer. He again repeated that where they were dealing with the interests of these great possessions the West India colonies, and with a question in which the increase of the slave trade was involved, they should not be deterred by mere revenue considerations. But he was satisfied that he could prove that the loss to the revenue would be likely to be only 132,000*l.* instead of 960,000*l.*, comparing the ensuing year with 1847. But, if they compared it with 1846, instead of showing a diminution of revenue, it would show an increase of 366,791*l.* Having thus alluded to the important question of revenue, he should proceed to anticipate a question which would, no doubt, ere long, be asked him. It was, "for how long a time did he propose that the differential duty of 10*s.* should last? and what did he propose to do at the end of the time? Did he intend to come down to equality of duties at once, or to have a descending scale?" Now, in the first place, with regard to the period for which his scale would last, he had no decided opinion about it; and with regard to what he should propose at the end of the time for which it should last, he must refuse to give any answer or explanation at all. [*A laugh.*] He was not surprised that hon. Gentlemen should smile at his declaration, and cheer ironically such a candid statement. But they must see the propriety of his answer, if they looked at the sugar duty debates for the last few years, for nothing had been more difficult than to declare what was to be the final adjustment of the question. It was only in 1845 that the late Government proposed the distinction between free-grown and slave-grown foreign sugar, and established a differential duty of 10*s.* That arrangement was superseded by the right hon. Gentleman the Chancellor of the Exchequer, who came down to the House in 1846, and proposed what he called a deliberate and final settlement of the question. That deliberate and final settlement was made so lately as 1846; and yet now, in 1848, scarcely two years having elapsed, there could be only thirty-six hon. Members of the House found, who would record their votes in favour of that final and deliberate settlement. He was not, surprised, therefore, that hon. Gentlemen should laugh and cheer him ironically for his plain answer. But when he found those colonies so tampered with from year to year, he did not think he was bound to state in 1848 what scale of duties he would support in 1854. A differential duty existing for six years was not his proposal. His proposal in the Committee was merely that a differential duty of 10*s.* should be given in favour of the colonies. The limited proposition had been made by the hon. Baronet the Member for Liverpool. He (Sir J. Pakington), however, thought it necessary to avoid declaring that they should make the differential duty permanent. He should prefer it for three years, with proper precautions, rather than for six years. But as to his present proposition merely of a 10*s.* differential duty, he hoped that the Government, seeing how opposed the House was to the proposal they had made, would not object to it; and he hoped the House would act with generosity towards the unfortunate colonists, and accede to it. The result of the legislation of 1846 had been largely to diminish the aggregate of the exports of British manufactures (he alluded particularly to the cotton manufactures) to the colonies. There had indeed been an increase in their exports to the foreign slaveholding countries; but there had been a diminution to the free-labour colonies. If they persevered in their injurious policy, they would drive sugar estates out of cultivation. The slave-growing countries would have almost a monopoly of the British market shortly; and would they pretend that for the sake of the consumer such a state of things should be arrived at? On all the grounds he had stated, he contended that they should, in justice, accede to his proposal. He was fully persuaded that it was a minimum duty which he named; and he was assured that by adopting it they would revive their West Indian colonies and prevent the slave trade. He, therefore, trusted that the House would agree to his resolution. But if they should not, he could only say that it would be a satisfaction to the colonists to know that, through his humble agency, they had made a fair proposition and a just demand upon the Parliament, and it would be a satisfaction to himself to know that he had made, however vainly, a fair and just proposal. On Her Majesty's Government, in that event, must the full responsibility fall, and on the feeble and dangerous policy of which all through they had been guilty, should rest the deep injury done to, and probably the permanent ruin of, the finest dependencies of the British Crown. The hon. Baronet concluded by moving his Amendment—

> "That after the words 'muscovado, or any other sugar not being equal in quality to white clayed, for every cwt.,' instead of the words 'thirteen shillings' the words 'ten shillings' should be inserted."

Mr. H. DRUMMOND thought that if the result of this protracted debate should be the final settlement of the question, they certainly would not have spent so many wearisome evenings in vain. But he very much doubted, indeed he was as certain as he could be of anything, that the question would not be settled by that night's decision, and that whether, in the year 1854, or at any other period, they would be as far from any final settlement as they were at the present hour, according to the course they were pursuing. The right hon. Baronet the Member for Ripon (Sir J. Graham), and the right hon. Gentleman the Member for Oxford University (Mr. Gladstone)—two Gentlemen to whose opinions the House naturally and deservedly paid the highest deference—declared at the outset of their observations, that they were in considerable difficulty from the complex nature of the case, and the many interests that were involved in it. And their opinions were fully justified by the debate, for one hon. Gentleman had treated it as a free-trade question, another as a slave-trade question; others had treated it solely with reference to the West India planters, and no one had as yet given them a single clue by which they could unravel its great perplexities. The West Indian interests had had a great advantage this time—for they had the benefit of the consummate abilities and the great exertions of the noble Lord the Member for Lynn; and certainly at no time had those interests in that House been so well or so ably sustained as upon the present occasion. But hon. Members were in this perplexity, that on both sides of the House they were afraid to carry out their own principles. It was, indeed, a question of free trade; but the only light they had got upon it—the only direction, the only hint almost they had received—was that contained in the recommendation of the Committee, which was not a very novel or generous expedient, it being merely the taxing of one portion of the public to pay another—a system which rejoiced under the name of protection. By such a mode, indeed, Paul might be protected, but how Peter was to be protected he did not know; and any protection which was not a protection to all the subjects of the Queen equally, was a project which that House ought not to sanction. They were afraid to carry out their free-trade principles. They wanted to bring political economy into the general government, and they thought that a political economist must of necessity be a statesman. Now, it was precisely in questions of trade that the maxims of political economists legitimately applied; but whatever helps trade might generally derive from them, it was unquestionable that, in the present state of trade in this country, every attempt to give a direction to it would be found detrimental to it. The same rule was applicable with regard to taxation; and it was more true with regard to the cotton manufacturer than to the corn grower; for, after all, land was but a great machine for the production of corn. It was a perversion of taxation if they directed it away from its lawful employment, and if, by its means, whether in the shape of bounties, or of drawbacks, or of anything else, they sought to direct or control trade in any way. Taxation was only justifiable when it was employed as a means for affording them the peaceful enjoyment of their occupations, but taxation became unjust when it was used for any other purpose. But the fact was, they were afraid of their free-trade principles, for if they were not, how came it that they had not free trade between Scotland and England? How came it that Scotch whiskey paid a different duty from English spirits? How came it that in different parts of the Queen's dominions, different rates of taxation were imposed? If the Chancellor of the Exchequer thought it necessary for purposes of revenue to lay a tax upon timber, then why did he lay a tax on the timber of Canada, and lay no tax on the timber of Sussex? Unless they made the system of taxation apply equally, it was impossible they could go on much longer as they were. It was not by taxation, it was not by any interference with the operations of trade, that they could ever put an end to slavery. It was a long time ago, when he had been united with Mr. Zachary Macaulay, that this view of the question had prevented him from ever going with the Anti-Slavery Society, because he believed that they did not take the proper course for effecting their object. There was a Motion once made in that House by Mr. Secretary Dundas to abolish the slave trade gradually—that was in 1800—and went on for several years, because the West Indies refused; and the only effectual Motion ever made was that by Mr. Brougham, when he wanted to make the slave trade piracy. Hanging a few captains of slavers at the yard-arm off the coast of Africa, would have done far more than anything ever done yet to put an end to the slave trade; but if they were in earnest to put an end to it, why did they not send ships to watch the shores of Cuba, and claim their *enfrancesados?* Why were they afraid to tell the slaves they had a right to regain their freedom by every means in their power; that whenever one man was attempted to be enslaved, that man so seized upon was justified in putting to death the man who seized him? He knew that those principles were perverted, and that many regarded them as applicable to political troubles; but that was not so, for it was the inherent right of man; he claimed it from nature's charter, whilst every political right was merely conventional. And now what was it that the West Indies demanded of the House? Let the House look at what their course had been. They first encouraged slavery, and then turned moral, and put an end to it. But, although they were inclined to be moral, they had a frugal mind, and so they thought they would indulge their morality at the expense of the planters. They paid the planter 20,000,000*l*. for that of which he said it was not half the value, and in doing so they prevented for ever the cultivation of his estate. To talk of free labour competing with slave labour! Did the hon. Gentleman consider what the question was? It was not between ten men called slaves and ten men called free; but it was ten men flogged to death in a certain period to get out of them double the labour that could be got out of ten free men; and so long as flogging was cheaper than feeding, so long would it be imposible for free labour to compete with slave labour. A parallel case in this country would be taking away the horses of a farmer, or a piece of the machinery, or of the mill of a manufacturer. They could not give an equivalent to the West Indies unless they took the whole of their estates at the same time. Then they gave them apprentices, but they broke their bargain again; then they promised the planters protection as an equivalent. But in the meantime they had taken a lesson in political economy, and they broke their promise. They had thus broken three distinct bargains with the planters consecutively. He was not going to contend whether the West Indian estates were well or ill managed; but he should say that that House was not the proper place to discuss the mode of cultivation, and he should, upon that point, distrust the gentlemen of Manchester as much as the Colonial Office. But sugar cultivation, which was partly a cultivation and partly a manufacture, could never be carried on well except under the eye of the master. What was it, then, that the West Indies had a right to demand from them? It was the free admission into this country of every one of their productions without duty—and they ought to be content with nothing less than that. They had a right, also, to full power to import any labourers from any place they pleased. He granted that it might be necessary to watch over apprenticeship and vagrancy, or anything like a handle to reintroduce the slave trade, but that was easily settled; and if they wished to get rid of the horrors of the slave trade, let them get rid of their fleet on the coast of Africa, both upon the grounds of economy and humanity; but let them not look to trading as a means of altering the condition of those people, nor make a general premium of taxation as much the means of mitigated slavery as it would be of directing or controlling trade. The only way in which they could pursue a safe and equal course, that should be just to all persons, was to carry out to the full extent perfect freedom of trade, perfect freedom of labour, and complete and equal protection to every one of the Queen's subjects.

SIR J. PAKINGTON had omitted to state that, in the event of the Committee adopting the resolution which he had proposed, for reducing the duty on colonial sugar from 13*s*. to 10*s*., it was his intention to move that the duty on foreign sugar should be fixed at 20*s*.

MR. VERNON SMITH said, that the hon. Member for West Surrey (Mr. Drummond) had spoken of the compensation to the West Indian interests as being altogether inadequate; but in his opinion a more liberal and more just amount of compensation was never given by any people. He would contrast it with the resolution come to by a neighbouring nation lately, that the slaves in their colonies should be at once emancipated, and that the amount of compensation to be awarded to the planters should be entrusted to the national honour, and to the Assembly of the people. There was no compensation of 20,000,000*l*. in that case. And he would beg to remind the hon. Member that the first proposition made for emancipation of the British West India slaves was merely that a loan should be given to the colonies of fifteen millions, and that loan was afterwards advanced to a gift of twenty millions. And yet it was now over and over again asserted that no adequate compensation had been given, and that there had been an understanding in addition that the colonists were to have protection. But where was there any trace of that understanding to be found? Was any trace of it in the Colonial Office, or on the Journals of that House? Sir Eardley Wilmot's Motion during the apprenticeship was carried in a very small House of only 150 Members, and afterwards rescinded; and in consequence of the decided views expressed by the House, and the whole tenor of the debate in that House, the Colonial Assemblies put an end to the apprenticeship system themselves. The whole tenor of the debate at that period was, that free labour was able to compete with slave labour. He quite agreed with the hon. Gentleman the Member for West Surrey, in believing that, melancholy as was the consideration, the fact was true that free labour could not compete with slave labour. He believed that a great deal of evil had followed from —he would not say the falsehood—but the philanthropic fallacy that free labour was able to compete with slave labour. He hoped that nothing which fell from him would be understood as intending to imply any doubt as to the existence of distress in the West Indies. It might be said that the West Indian colonies had often complained of distress before, but it was natural that all who were distressed should complain of it. Neither would he go into the argument, which he believed to be a work of supererogation at the present time, that gentlemen ought to improve the cultivation of their estates. He thought that such arguments were improperly applied to parties in distress. His belief was, that the real question which the House should consider, had not been started in the debate at all. The hon. Gentleman who had commenced the debate had taunted the Government with having aggravated the West Indian distress. He did not know whether this matter had been brought forward in a party spirit or not; but this he must say, he considered it to be one of the calamities of the West Indian colonies, that they had from time to time been made the victims of party spirit, and that all their complaints had been brought forward as party questions instead of questions affecting a separate interest. Even the question of labour had been over and over again treated in a party spirit, and as an instance he need only allude to the proposal of his noble Friend (Lord John Russell) when Secretary of State for the Colonies in 1840, for a trial of Coolie labour in the Mauritius, and which had been taken up as a party question. He felt, therefore, extremely sorry at perceiving that the hon. Member had, on the present occasion, thought proper to treat this question so much as a great party measure before entering into the details of the plan which he had submitted to the House. The hon. Baronet had, he thought, entirely failed in proving that his plan would not affect the revenue. [Sir J. Pakington: I did not say so.] He had to beg the hon. Baronet's pardon, but he certainly thought that the hon. Baronet had stated that his plan would neither endanger the revenue nor increase the price to the consumer, and he had afterwards stated that the whole amount to which it would endanger the revenue was 180,000*l*. But the question was, were they prepared to make the large risk demanded from them for the West Indies? He would confess that he, for one, was not ready, because he did not think that any bargain had been broken with the colonists. He trusted that the House would not adopt this principle of legislation, as they had too much of it lately. The question at issue was, what was to become of the colonies? It would be presumptuous in him to state, though many others had done so during the debate, his individual views as to the prospect of these colonies; but he anticipated that the result would be somewhat the same as would happen in case of any considerable number of properties being in distress; that those who had means and strength to meet the distress would survive and prosper, but that other estates, that had not been managed with equal success, must go out of cultivation. He did not think it would be right for the Legislature to enter now into any fresh system of protection, which might induce the colonists to engage in new and increased expenses, in order to enable some to recover their distresses, while others might not require any assistance. Various plans for affording assistance had been suggested. By some it was thought that the appointment of governors should be intrusted to the colonists themselves; but giving up the right of appointing the governor was giving up the sovereignty of the colony; and if they gave that up, he did not see why they should be required to maintain an armed force for the protection of the colony. The hon. Member, in asking them to adopt his proposition for a 10*s.* duty, ought to have been prepared to show the House that his plan would have been acceptable to the colonists, instead of which they had put forward very different views, and some of them of a nature that proved very clearly that the hon. Member's position, even if adopted, would be by no means calculated to satisfy the planters and their friends. In the petition dated the 20th of June, 1848, which had been presented to the House from three agents in this country for Barbadoes, for Antigua and Montserrat, and for St. Vincent, and other legislative colonies, he found the following passages:—

> "The undersigned, in a petition to your honourable House, bearing date the 28th of January, 1848, showed that Her Majesty's Government had evidently miscalculated the rate of distinctive duty in 1846, when 7*s.* per cwt. was imposed—and further showed that a discriminative duty of 17*s.* per cwt. should then have been imposed in order to place the British plantation sugar (regard being had to quality) on the footing of Cuba and Brazil sugar in the British markets, and thus to indemnify the British planter for the use of his capital—to afford him an average commercial profit, and to enable him to undersell slavetrading sugar countries—the avowed object of Her Majesty's Government in abolishing slavery in her own colonies, that the measure might serve as an example and encouragement to slavetrading and slaveholding colonies to do likewise. It has now become a question of State policy whether the British sugar colonies shall in future be cultivated or not. It has been shown that, if the present discriminating duty be not increased to 15*s.* per cwt., a very large proportion of the sugar estates now under cultivation must be abandoned—the white population will no longer find it profitable to reside upon them, and the islands will be left to the fate of St. Domingo—to the government of negroes; while the splendid fabric of civilisation and Christianity now existing in the British West Indies, and purchased at such great sacrifices, will become a matter of history. It was, moreover, shown in the petition referred to, that sugar cannot, on an average, be raised under 20*s.* per cwt. independently of interest on capital. That 10*s.* per cwt. discriminating duty in favour of British sugar would tend to place it on a footing with the sugar of the slavetrading grower; but the latter would receive a fair interest on his capital on the prices in the markets here, which would not be the case with the free-labour sugar-grower of the British colonies. It was therefore proposed by the undersigned, that the 10*s.* per cwt. extra duty should be increased to 15*s.* per cwt., to insure a continuance of cultivation. The undersigned regret to be compelled to observe, that they see no present advantages as measures of relief in the propositions made by Her Majesty's Government, independently of a permanent distinctive duty of 15*s.* per cwt. on foreign sugar. The undersigned, therefore, respectfully claim that the pledge of 10*s.* per cwt. protection duty against foreign free-labour sugar, and the practical exclusion of slave-labour sugar, as established by 6 and 7 Vic., cap. 27, may be re-enacted, instead of the existing scale of discriminative duties: or that a duty of 15*s.* per cwt. discriminative duty may be imposed on all foreign sugar, whether the production of free or slave labour; and that in the event of the rejection of both these propositions, the undersigned pray that your honourable House will be pleased to take into your favourable consideration the claim of the planters, that their estates may be purchased at the public cost, in conformity with the principle already acted upon under the 3rd and 4th Wm. IV., cap. 73, the 5th and 6th Wm. IV., cap. 45, the 6th and 7th Wm. IV., cap. 5 and 82, and the 4th Vict., cap. 18, for compensating the owners of slaves in the British plantations—the valuation to be made at the prices current for West India estates two years before the emancipation took place."

It was plain that these gentlemen would not be satisfied with the plan which the hon. Baronet proposed. He could not avoid referring to the statement made the other night by the right hon. Baronet the Chancellor of the Exchequer. His right hon. Friend did not seem certainly to be very complimentary to the two Committees that had been sitting for some time on the Estimates, and to one of which he had the misfortune, or the honour, to belong. His right hon. Friend was certainly not anxious to throw the responsibility off his own shoulders; but, as a Member of one of the Committees, he would say that he did not think the reduction proposed by the right hon. Baronet would enable him to grant the relief that he offered. In some of the cases of reduction, the consideration of the estimates would be merely postponed, and he doubted the advantage of putting off the execution of works that were found absolutely necessary, and the postponement of which might be attended with injurious consequences. He thought that with such works the best mode would be to advance them as rapidly as possible, and then to throw the whole matter before the public, instead of extending the works over a number of years, and by this means increasing the expense, rather than diminishing it. He alluded to this subject because he believed that his right hon. Friend had put forward these reductions as a ground why the House should be more ready to grant relief to the West Indies. He thought, however, that the only questions for the House to consider, were these two great questions—whether any breach of contract had taken place; and if they found that such a breach of contract had been made, they would then have to consider what remuneration ought to be given, having regard, however, to the future interests of the country. Not thinking the first, and believing that the proposal of the hon. Gentleman would not be satisfactory even to the interest which it was intended to benefit, and also that it would be attended with considerable risk to the revenue, he could not give it his support; but at the same time he wished not to be regarded as an adversary to that particular interest.

Mr. B. COCHRANE trusted the House would suffer him to explain the principles on which he intended to act. It was the principle which he thought ought to influence the Imperial Parliament in dealing with an imperial question, namely, good faith and just dealing to our fellow subjects. Guided by it, he would support the Amendment of his hon. Friend. The House might now feel it convenient to disclaim protection to the West Indies, and at the same time protest against the slave trade; but they ought to recollect that up to 1807, not only did the Parliament of this country sanction the slave trade, but positively enacted it; and in the reign of George II. a monopoly of it was given to the Queen Dowager, and to the Duke of York. Up to 1807, he repeated that the slave trade had been recognised in the most unequivocal manner by the Parliament of England, which, in making grants of land in those colonies, guaranteed that the proprietors should keep a certain number of slaves. The hon. Member for the Tower Hamlets (Mr. Thompson) put his argument in a curious point of view. The hon. Gentleman said, "Suppose a man was constantly in distress, and always applying to you for small sums of money, which only served ultimately to cause his ruin, would you go on giving him money still?" But the hon. Gentleman ought to have completed the simile. Suppose it was by the advice and under the control of this so-called "benefactor," that this man was involved in ruin, and that, when he was utterly cast down, he went to this "benefactor," who had, through him, earned a character for philanthropy, what would be said if this "benefactor" merely replied, "Oh, my friend, it is true we have made a great experiment at your cost, but I cannot now give you any help; you have got into a 'mess' through me, and you may stay there?" Hon. Gentlemen opposite were flirting with philanthropy and free trade. The hon. Member for the West Riding of Yorkshire said both were naturally associated; but it was plain that in this case, at all events, they were diametrically opposite. It was certain that by the application of this free-trade theory to our colonies, we had rather increased than diminished slavery, and reduced those once prosperous colonies to the very verge of ruin. And were we quite sure that all this would end well, even to the consuming class in this country. Not at all. It seemed to him that, when by our legislation we had consummated the ruin of the West Indian colonies, we had also inflicted a great injury upon the home consumer, for the foreigner would then monopolise our markets, and charge a high price for his slave-grown sugar. The truth of the matter was, they had embarked in a line of policy which they could not carry out, and they found the obstacles to its development daily becoming greater. Some people, he knew, held the miserable and un-English doctrine that we could do without our colonies, that they were only an incumbrance to us, and that America, although separated from us, was one of our best customers. To such a line of policy he could never give his sanction. He thought our colonial dependencies one of the main elements of our power and greatness, and would therefore never countenance a measure which would impoverish or ruin the least of them. He thought the Amendment of his hon. Friend calculated to better the position of our West Indian fellow-subjects, and should, therefore, give it his hearty support.

Mr. SPOONER said, that as he had voted for the Bill of 1846, he wished to explain the reasons which induced him now to vote for the proposition of his hon. Friend the Member for Droitwich. Before, however, entering upon that subject, he must be permitted to say that his hon. Friend had acted wisely, before making his present proposal, in ascertaining the sense of the House upon the measure submitted by Her Majesty's Government; for, on looking at the division list, it at once appeared that it was condemned by the House, though it happened to be carried by a small majority. The noble Lord (Lord J. Russell) smiled at that statement; but he would tell the noble Lord it was party alone that had given him that majority. It was to party alone that he was indebted for his miserable majority of fifteen. And he further told the noble Lord, there was not, in the whole annals of Parliament, a single instance of a Government forcing on a measure involving such great interests with so small a majority—and that majority obtained by so extraordinary an amalgamation of parties. The country, he believed, would look upon the circumstance as an unequivocal expression of opinion on the part of that House, that the plan proposed by Her Majesty's Government was not one of which the House of Commons really approved. When the Bill of 1846 was before the House, he supported it on three grounds. First, on account of the extreme injustice that would be done to all the other great interests of the country, by depriving them of protection, and at the same time granting protection to the West Indies. How could we justify this subjection of home producers to foreign competition against the article they produce, and at the same time to the payment of a protection price for so necessary an article of consumption as sugar? But he confessed that, however strongly he might have felt on that subject, he would never have voted for the measure of 1846 had he foreseen the great stimulus it had given to the slave trade. One circumstance that had great weight with him at that time was, that the noble Lord the then Member for Liverpool (now the Earl of Harrowby), a sincere friend to the abolition of slavery and the slave trade, after having given great attention to the subject, stated his conviction that it would not stimulate the slave trade. The noble Lord had argued—and in that argument he fully concurred—that if we rejected slave-grown sugar, we should draw into this country a large proportion of foreign free-trade sugar, the effect of which would be that the slave-grown sugar, instead of coming into this country, would supply the vacuum created on the Continent, thus merely making an exchange of markets, without creating an increased demand. Upon that ground, and feeling that the West Indies should be put upon the same footing as other interests, he had voted for the Bill of 1846. He had been further induced to take that step by the argument held out as to the probability of a treaty being concluded with Brazil; but that ground had since been cut from under them; for this country was now in a worse position, as regarded commercial relations with Brazil, than she had been in before. He had thought that the most desirable way to bring about a commercial treaty with the Brazils, and also to induce them to give up slavery, would be by showing a willingness to open our markets to their sugar. The question had been dealt with by some hon. Members as if it were one of protection. He should not give his vote upon that principle. He was an advocate for protection to native industry, and colonial industry; and he thought that a great part of the now existing distress was to be attributed to the abandonment of that principle. But, if they must have free trade, then it must be had altogether, and not bit by bit. You could not give protection to one interest and refuse it to another. The only way now to do any good would be to apply the full evils of the free-trade system to all alike, and then there would be an universal outcry for a restoration of those sound commercial principles under which this country had so long flourished. And on this principle he was prepared to act, with the exception of the West Indies, which involved the continuance of slavery, and of the navigation laws, which involved the consideration of national defences. The right hon. Member for Coventry (Mr. Ellice) had put the question clearly before the House, when he said that we were engaged in a great struggle to maintain high taxation with low prices. He (Mr. Spooner) warned the Government that that struggle had now arrived at that point at which it must, ere long, be decided; and his conviction was, that it was impossible to maintain the present rate of taxation with the two great principles they had adopted in free trade and the present monetary laws. The adoption of either of these principles was quite sufficient to produce great distress, ay, and ruin, upon the country; but the application of both at once would be found impracticable; and unless we speedily retraced our steps, national prosperity, safety, and honour, would be irretrievably lost. But he (Mr. Spooner) was not then about to enter upon that vital question, the money laws. He warned the Government that the country was beginning to be of the opinion that low prices and high taxation could not coexist. There was an association lately formed in Liverpool, consisting, not of philosophers, or radicals, or free-trade men, but consisting chiefly of men of great property, of high talent, and of sound conservative principles, and they had associated together on the express principle of compelling the House of Commons, if they were for going back to the prices of 1797, to go back to the taxation of 1797 also. They had already received communications from all parts of the kingdom expressing full sympathy in these views; and their correspondence had multiplied so much that it might fairly rival the mass of despatches they had lately heard so much of in the Colonial Office. With respect to that part of the plan which comprehended what was sometimes called a loan and sometimes a grant, but which he should consider as a grant, being assured that, once parted with, it would never come back, he protested altogether against it, unless the Government were prepared to make it general. There must be no grant to enable the West Indies to obtain foreign labour when there were thousands out of employ in this country. He asked the Government to look to the state of Staffordshire, for example. Not a day passed but some work was stopped. In one instance alone of partnership works carried on partly in Staffordshire and partly in Wales, 2,000 men had been discharged within the last three weeks. Would those who contributed to the taxes and poor-rates endure to be told that half a million of money was to be given to the West Indies to enable them to obtain labour from other countries, when such was the state of things in our own country? Look at the state of our manufactures, especially the iron trade. At a large meeting, preparatory to the quarter-day meeting, it had been resolved to reduce the price of bar-iron not less than 2*l.*, making it 6*l.* 10*s.*; and every person who knew any thing of that trade would tell them it was impossible to manufacture with profit the article under 8*l.* or 9*l.* Observe the reduction of wages that must follow; and even if that reduction were submitted to, and the trade carried on, he asked the Government to consider the consequence of putting large bodies of men on such low wages. What would be their consumption, and where would the Chancellor of the Exchequer look for his duties? Never, during his experience, had the great staple manufactures of this country been in so bad a state with regard to the profits of the masters, or to the employment of the people; and he called upon the Government seriously to consider the present aspect of affairs. He called upon the noble Lord and his Colleagues well to consider all the consequences of attempting to reduce the national expenditure to the level to which they would be required to bring down the taxation of this country, if they did not abandon their present policy. The right hon. Gentleman the Chancellor of the Exchequer had, indeed, made a consoling statement the other night, which he was told had given great confidence in the City. He only wished this confidence were well founded; but he could tell the right hon. Gentleman that he was not a convert to his statements, for those statements were not reductions, but merely postponement of payments. It was true his statement regarding the increase of the malt duty was perfectly correct, because every brewer knew that the barley of last year contained a larger portion of saccharine matter than was ever known before; and, therefore, every man of capital was malting as much as he possibly could. [The CHANCELLOR of the EXCHEQUER: I spoke only of this year.] That was just like all Chancellors of the Exchequer, who seized upon what they could get for the year without regard to futurity. But the right hon. Gentleman was dealing with more than the present year, for the payments of this year he was postponing to the next. Protection to native and colonial industry was the system under which this country had prospered; but ever since the political economy gentlemen had been conducting affairs on their theory, the country had been going backward every year. The only true course would be to revert to the old system. He asked hon. Gentlemen opposite how it happened that after thirty-three years of peace, with the markets of the world open to us, and with all advantages, there had not been a single great interest which had not in its turn come to that House complaining of ruin? It might be said that the agricultural interest had no complaints; but every one conversant with the subject knew very well that that interest would be happy to compound with the noble Lord and right hon. Gentleman opposite for a large sum, if they would guarantee that that interest should not in the next twelve months be involved in the same ruin that was now affecting every other interest. He should support the Motion of the hon. Member for Droitwich, not as a question of protection or right, but because he believed that his proposition was the only one which could check that great and fearful increase of the slave trade, which he regarded as a national calamity, a national disgrace, and a national sin.

MR. GODSON said, the right hon. Gentleman the Member for Northampton (Mr. V. Smith) had stated, that when emancipation was carried, no bargain had been made with the West Indies, and therefore that none could have been broken. As he happened to have taken a part in the debates of that period, he had a strong recollection that not only was a bargain made, but that it had been broken in every particular. The first proposal was a loan of fifteen millions. A difficulty, however, arose with regard to the Assembly of Jamaica, in consequence of their power to prevent any law passed in England taking effect in the island; and it became necessary to call to the aid of Government the gentlemen connected with Jamaica before any arrangement could be made. When it was proposed to turn the loan of fifteen millions into a gift of twenty millions, Jamaica agreed to carry the Act of Emancipation. On that ground the bargain was made. The first part of the bargain was, that twenty millions should be paid; and the second, that there should be an apprenticeship for seven years. In consequence, however, of the planters of Antigua having more negroes than they could find work for, they were willing to give up the apprenticeship, for it was a condition upon the West Indies that they should maintain the apprentices. They could not, therefore, have put out the money as suggested by the hon. Member for Manchester (Mr. Bright), at five per cent compound interest. The hon. Member said, if they had put out their compensation money at five per cent compound interest, they would now have been well off. That might be the case, or it might not; at all events, he would remind the hon. Member it was part of the bargain that the West Indies should carry out the wishes of this country in all respects. He asked the noble Lord at the head of the Government whether they had not kept their part of the contract? The hon. Member for the Tower Hamlets (Mr. G. Thompson) at that time took great interest in the Anti-Slavery Society, and he asked him if he wished to be placed in a dilemma? Either the home market was intended to be kept for the West Indies, or it was intended to open it hereafter to the slavetraders. Upon one horn of this dilemma he must pin the hon. Member—either it was understood and agreed at the time of emancipation that the home market should belong to the West Indies and the other colonies of Great Britain, or it was not. Either there was a mental reservation that by and by, when slavery had been taken away in the West Indies, that slave produce should be admitted into this market, or there was not. He believed there was no such reservation; and he could state it was fully understood that the home market should be kept for the West Indies, and that the slavetraders should never bring their sugar into this country. Thus two bargains had been broken. In consequence of Antigua wishing to be relieved from the support of the negroes, apprenticeship was done away with. This produced a great disturbance in the other islands. Certain missionaries went about Jamaica and put it into a state almost of rebellion concerning the apprentices, till, at last, the Assembly was obliged to agree to take off two years. This was in 1838. But what was the next bargain? That labour should be introduced. The hon. Gentleman the Under Secretary for the Colonies (Mr. Hawes) sat with himself upon a Committee, of which the hon. Baronet the Member for Droitwich was chairman, and he and the antislavery party then did everything in their power to prevent the immigration of Africans into the West Indies. This was not part of the bargain. The bargain, indeed, was not kept in any one particular. The Government were now seeking to introduce a loan of half a million to the West India planters. In answer to the right hon. Gentleman the hon. Member for Northampton, he begged to inform the House that the twenty millions had not been paid. A great deal was said about the West Indies having received twenty millions, and it was believed by many; but the sum actually awarded was only 18,669,401*l.* 10*s.* 7*d.*, leaving a balance unpaid at this day of 1,330,598*l.* 5*s.* 1*d.* Suppose, therefore, the House were to award that balance of a million to purposes of emigration now, instead of the 500,000*l.* proposed, they would only be adhering to the original bargain. The West India proprietors, therefore, instead of being taunted with 500,000*l.* to be raised for the purposes of emigration, ought to be paid their debt. There was more than a million of money in the Exchequer, due upon the account; yet the boast was made that twenty millions had been paid! Certainly it could not but be a strong proceeding on the part of the Government to break the contract as to the twenty millions, and as to the apprenticeship; and then to admit slave-grown sugar into the home market. They were, then, about to introduce the produce of the slave trade; let it be conformable with the original bargain; and then let him examine what ought to be the amount of duty. He had shown two parts of the contract had already been broken, and the third part was now to be broken—he did not say for the first time, because undoubtedly, in the year, 1844, when free-trade sugar was introduced, the bargain was infringed upon. In 1846, in spite of the West Indian proprietors, the bargain was broken, and the consequences were now to be seen. What did they (the West Indian proprietors) now ask? Simply to go back to that fair arrangement which ought to have been made in 1846. He would, however, take the scale of last year, from the 5th July, 1847, to the 5th July, 1848, when the duties were on foreign 20*s*., and on colonial 14*s*. He found that the difference in value, according to the quality, between foreign and colonial was 6*s*., so that practically it was admitted at equal duty; and if free trade meant that we were to have equality of duty, according to the value, then we had had free trade in sugar last year. On the other hand, if by free it was meant that the same articles, whatever their value, should pay the same amount of duty, and a pound of cotton should pay the same as a pound of gold, let the House say so. But trace this doctrine to its consequences in the article of sugar. During the next year, according to the Act of 1846, the foreign duty would be 18*s*. 6*d*. and the colonial duty 14*s*., the difference being 4*s*. 6*d*. Now the mass of evidence before the Committee went to show that Cuban sugar was 4*s*. 6*d*. per cwt. more valuable than the colonial article; and what would be the effect in 1851, when the two duties would be reduced to 14*s*. each? If the foreign sugar was 4*l*. 10*s*. per ton more valuable than the colonial, a bounty would be given to the former to that extent. In other words, your Act, instead of securing free trade, was, in fact, an act of bounty. You gave to the foreigner, who worked the slaves and carried on the slave trade, in the production of his sugar, the English market now, but in the year 1851 you gave him a bounty of 4*l*. 10*s*. Neither of these could be free trade. He submitted, then, that there ought to be a difference in the amount of duty according to the value of the two articles. Look at what the people of Havana said of it. The trade circulars of Messrs. Drake Brothers and Co., the leading merchants of the Havana, themselves extensive proprietors of sugar estates in that island, in 1844 stated that—

> "They had no expectation of the price of sugar being improved except by having the English market opened to the produce of the island, where, if this could be effected at a rate even of 50 per cent above the duty on English colonial sugar, still they should obtain for their produce double the amount they can obtain at present."

On the 8th of January, 1848, they said—

> "The production of 1847 has far exceeded that of any previous year, and the prices obtained by planters have been so highly remunerative, that they are enabled to adopt every means for the further extension of their crops."

Another price current, subsequent in date, added—

> "During the past year the prices of sugar in our markets were supported at high rates, with but slight and temporary fluctuations, notwithstanding the large crop. This was mainly owing to the unprecedentedly heavy shipments to the United States and to Great Britain, aided by a well-sustained inquiry from Spain, with a fair demand from other parts."

Here, then, the people of Cuba themselves told us, that before the Act of 1846 they were able to introduce their sugar at 50 per cent increase upon English colonial sugar. The person most interested in this fact was the Chancellor of the Exchequer. The foreigner, who could raise his sugar so much cheaper than the colonist, was in no fear of increased taxation. A good deal of doubt existed regarding the exact amount for which sugar could be raised in Cuba. Some put it at 6*s*. 10*d*., others more. He would take an average, and say it cost 10*s*. per cwt. Add the duty of 20*s*. to that, it would make 30*s*. On the other hand, it was said that colonial sugars—Jamaica, for instance—could only be produced for 22*s*. 6*d*. per cwt.; but he would take it so low as 20*s*.; add the 10*s*. duty thereto, the amount would make the two cases equal—30*s*. each. Assume the freight and other charges to be 6*s*. per cwt. each, this would bring the whole cost to 36*s*. per cwt., or 4*d*. per lb. to the consumer. This would be putting them both on terms of equality. But why, he asked the Chancellor of the Exchequer, did he not tax the foreigner? The foreigner did not thank him for not doing so. The Brazilian Government put on a heavy tax; that tax was paid by the English consumer for the benefit of the foreign Government; and they might rest assured that when the competition with the foreigner ceased—when sugar cultivation in their own colonies was abandoned—that sugar would not be bought as cheap as it was at present; that it would be turned by foreign Governments for their own benefit, and that the English consumer would have to pay that tax. He had not the slightest doubt but that whoever might be Chancellor of the Exchequer in 1851, would have to come down to that House to propose a tax upon the foreign article.

Mr. M'CULLAGH thought that the claim for relief on the part of the West Indies, which was founded upon the acknowledged existence of severe distress, was in every point of view more deserving of legislative consideration than that which rested upon the narrower ground of an alleged breach of compact. Many who denied altogether that any bargain had been made or broken, were not unwilling to enter frankly into the question of what the colonies really required, and what aid this country could reasonably be asked to afford them. For the system of policy which would sever liabilities and obligations, among the different communities subject to the same Crown, he had no respect or sympathy. So long as they bore a common allegiance, and adhered to the fortunes of the same empire, he considered that each had in times of unforeseen calamity or unavoidable distress a right to claim from the Imperial Legislature peculiar care, and succour in its time of need. On the other hand, it must be admitted that in all such cases grounds as clear as they were special ought to be stated; and if in the present instance it had been shown that the claim of the West Indian proprietary was novel or unprecedented—that their misfortunes had arisen from different causes from any which had affected their condition before—or if they had proved that they had done all that in them lay to wrestle with the evils they complained of—he should have felt much more hesitation as to the vote which he was about to give upon the question. But it was difficult to distinguish the distress that now prevailed from that which Parliament had in former years been called on to relieve, so far as its great and leading features were concerned. In 1807, a Committee of the House reported that the West Indian planters had submitted to them ample evidence to show that they were upon the brink of ruin—that estates must go out of cultivation, for that sugar was produced at a loss—and that all this had arisen from the loss of a monopoly they had previously enjoyed, and their inability to compete with foreigners. There was no question about free labour then, for slavery was at that time universal. In 1832, similar representations were made upon similar authority. The colonies still enjoyed a practical monopoly of the home market; but as they had a surplus to send abroad, the protecting duty proved inoperative, and prices fell so low that they declared that every cwt. of sugar was produced at a loss, and that unless a bounty of six shillings a cwt. was granted upon the quantity re-exported, and sixpence a gallon taken off the duty on rum, lands would go out of cultivation, and their ruin would be complete. And in 1848 their complaint is the same, namely, that they are undersold by foreigners. But the Committee over which the noble Lord the Member for King's Lynn had presided, if it had proved anything distinctly, had demonstrated that they were undersold now—not by slave labour only, but by free labour—by Java, by the Mauritius, and by the East Indies. In connexion with this part of the subject, reference had been made to the amount of machinery exported to the slave-labour colonies. It had been stated, that while the amount sent to our own colonies had decreased, that which had recently gone to their rivals had proportionably been augmented. Taking, however, an average of the two last periods of five years, it would appear that while the export to the British West Indies had somewhat declined, that to Cuba and the other foreign islands had fallen off still more; and that while the value of machinery sent to Brazil had increased, that to India and Ceylon had increased still more so. The colonists had long contended, that by the Act of Emancipation they had been taken by surprise; and that the negroes were wholly unprepared for the condition of free labourers. If this were so, whose was the blame? From 1823, warning had been given in terms not to be mistaken, that the period was fast approaching when slavery must cease. But Parliament, while it proclaimed its ultimate determination and design, was willing to allow time for effecting a progressive change, and counselled the colonial assemblies to introduce such ameliorations in the condition of the slaves as might gradually fit them for freedom. What was done in pursuance of that advice? It would doubtless sound harsh to characterise the conduct of the colonial assemblies as a "mockery and an insult;" yet such were the terms in which Lord Stanley characterised all that they had done from 1823 to 1833, to prepare the negroes for emancipation. It was said that the period of the apprenticeship was cut short two years, in breach of faith and compact. But if this term of apprenticeship was so valuable, or if the power of compelling men to work without wages made such a difference in profits, how did it happen that in Antigua, the period of apprenticeship was voluntarily declined altogether by the planters? and how came it to pass that when the late Mr. Gurney, whose authority the opponents of slavery would not dispute, visited the island in 1840, he was told by more than one of the proprietors of estates that they regarded the compensation money which had been given by this country as an absolute gratuity, for that they had been in no degree injured by the change? And to this testimony he added that of Dr. Nugent, then president of the Assembly of Antigua, and of Sir W. Colebrooke, the governor of the island, who declared his conviction that "the estates were then as valuable without the slaves as they formerly had been with them." And now a word as to the consumer. The hon. Member for Warwickshire (Mr. Spooner) had made use of arguments founded on the want of employment at present prevailing in this country, which appeared to him rather to make for the proposition of the Government than for that of the hon. Baronet the Member for Droitwich. If work was scarce and wages low, was not this a time peculiarly unsuitable for enhancing the price of such an article as sugar, which had come to be an essential of the artisan's subsistence? With regard to the people of Ireland, it should not be forgotten how great and happy a change had been wrought in their habits of late years, by the disuse of ardent spirits in excessive quantities. It was impossible for any man who wished well to the inhabitants of that country not to desire to see them fortified by habit in their good resolution; and to that end it must manifestly be an object of no ordinary importance that those other articles of comfort or necessity which had recently come into use as substitutes for less healthful stimulants, should be placed more easily within their reach. It was the boast of commerce that it rendered those things that once were luxuries so cheap as to lead men to regard them as necessaries; but it was the reproach of unjust or excessive taxation that it turned what had become necessaries into luxuries again. He was sorry to hear it asked what signifies 1*d.* or 2*d.* in the pound, in the price of such an article as sugar? ["No, no!"] He should be sorry to misrepresent what hon. Gentleman opposite had said, but he certainly thought he had heard expressions of the kind made use of in the course of the discussions that had taken place upon the question. Did they sufficiently consider, however, what a difference in the comfort and contentment of the poor man sums like these too often made? His wealth was the aggregate of small savings; and his sufficiency or want frequently depended upon the possession of a few more or a few less of those vulgar coins which fastidious fingers shrink from touching. It was easy for those who lived in affluence to look out through the plate-glass of their own luxurious condition upon the wintry day of laborious life, and marvel why the struggling multitude appeared so ill at ease. But it was the imperative duty of the Legislature to endeavour to keep steadily in view the wants and hardships of the many, even when they could not hope fully to relieve them; and when generous deeds were proposed to be done towards the unfortunate of other climes and countries, to remember the paramount claim of those who were at home. It had been truly remarked by an eminent writer of the present day, that "justice was not a political virtue much in fashion, though philanthropy was decidedly so." No one could desire more earnestly the final extinction of slavery. But he felt persuaded that that great end would never be accomplished until free labour had proved itself in every respect an overmatch for slave labour. That it was capable of doing so he had not a doubt. It was this hope that had inspired the efforts of Burke and Wilberforce; it was this faith that animated Fox, when on the last occasion that he addressed the House, he avowed that he looked upon the abolition of the slave trade as certain to lead to the ultimate extinction of slavery itself. The whole policy of the country for more than forty years had implied the belief that as free labour was the labour of civilisation, it would eventually surpass slave labour, which was the labour of barbarism; and he could conceive nothing more disastrous or disheartening to the cause of progress and of freedom throughout the world, than that we should abandon that policy or renounce that faith.

Mr. MANGLES had supported the measure of 1846, in ignorance, as he must admit with regret, of the effects which it would work. He was also a humble but sincere advocate of the principles of free trade. But in the present question, considerations even more important than free trade were involved; and it certainly was not in accordance with the principles of free trade, to expose the West Indians to so fierce a competition, whilst we tied their hands in respect to free access to the labour market. On these grounds he must oppose—though with unaffected reluctance and regret—the measure proposed by Her Majesty's Government, of which he was an habitual supporter. He begged to state most distinctly that he had no connexion whatever with the West Indies, and no interest in West India property; he was, therefore, in a condition to view the subject with indifference and impartiality. The noble Lord (Lord J. Russell) he observed, had spoken of the question now before the House as one between the English labourer and the West Indian labourer, which was a statement, he apprehended, not warranted by the real bearings of the case, for the question really was one between the consumers of sugar and the owners of West India property; and between those it was the duty of that House to administer justice at any cost. The claims of the West India interest were admitted by every one, but everybody stopped short when it came to giving the necessary compensation; and further, he thought that the West India proprietors had a right to complain that they were used as scapegoats, for all the blame of slavery was cast upon them, as if the real blame ought not to attach to the nation at large. England paid 20,000,000*l.* as a fine for the sin which she had committed against the negro race; but the sum which he had mentioned, though called a compensation, was at all events but a one-sided compensation, for it was forced upon the West Indies. They would much rather have kept their slaves. They were further injured by the premature abolition of apprenticeship. But as slavery had been abolished, he would say that the moment that measure was resolved upon, it became the duty of the Colonial Office to provide for enabling the West India proprietors to procure a sufficient supply of free labourers. He had always been an earnest promoter of emancipation, but never contended that the emancipated negro would surpass the slave in efficiency, if he were allowed to have a monopoly of the labour market. What he originally thought, and thought still, was, that free labour—if the planter were allowed free access to the labour market of the world—would be found cheaper than slave labour. So far from any of the successive Governments of this country taking measures to procure a supply of free labourers, they had all been guilty of gross omissions in that respect. The noble Lord himself admitted that the Anti-Slavery Association had too much weight with the Colonial Office; and the Under Secretary for the Colonies admitted as much in his evidence. The testimony of the hon. Member for Bristol upon this point was worthy of attention. It was in these words:—

> "Have you considered at all the cost at which Africans might be imported if there was no interference on the part of the Government? I think the Africans might be imported at a very cheap rate. I will only state what occurred to myself when Lord Grey's despatch came out. I went to the Colonial Office to inquire if a vessel I had sailing then might call at the coast of Africa for negroes. I did so, not on my own account, but on the account of a resident proprietor who was very anxious to get some. From the Colonial Office, however, I could get no satisfactory answer; and it finally ended in my being told that they had taken two ships up, and they did not intend to allow any more. I could have done it that week, but I could not have done it since. The cost of getting those Africans would have been very small. I do not believe that it would have been a fortnight's longer voyage for the vessel to have gone round there than to have gone direct: the vessel had her supplies, and had plenty of room for the immigrants."

The immigration of Coolies was stopped, though besides the wrong to the British planters, it was a great injustice to the natives of the East Indies not to allow them to take their labour to the market where it was wanted. In 1844 a larger immigration was urged by the West Indian body, and a requisition made for 9,500 Coolies for Jamaica, Guiana, and Trinidad. To what extent was that requisition carried out? Only 1,026 were sent, or less than 1-9th of the number required. In the following year, a want of labour being still felt, 15,000 Coolies were asked for, and 7,315 were sent, or less than one-half of the amount required. These were specimens of the manner in which the West Indies had been systematically treated. It could not be urged that the Coolie immigrants were badly used, and that, therefore, on their account, the emigration ought to be restricted and stopped; for he had extracts from two letters of protectors of Coolie emigrants, which would completely refute any such allegation. The first letter, dated the 10th of March, 1847, was from the protector of emigrants at Madras; and he made a very favourable report of the condition in which the emigrants had returned to Madras from the Mauritius. That officer stated that he believed they were well satisfied with their treatment; that they had, with few exceptions, got a good stock of clothes, and, independent of the passage-money which the majority had themselves paid, each possessed, on the average, as the result of his earnings, 300 rupees (about 30*l.*), and that some had upwards of 50*l.*, and several 85*l.* These were sums utterly beyond their hopes to be able to accumulate in the East Indies. The second letter was dated the 4th of April, 1848, and was from the protector of immigrants at Calcutta. He stated—

> "That the immigrants who return from the Mauritius are generally averse to show their gains. Those, however, who had returned by the last two ships, besides ornaments, clothes, &c., had, on an average, brought in money rupees 124, although most of them had remained in the island considerably less than five years, and had on that account to pay for their passage back."

He added, also—

> "That he had known but few, and they were those who had brought back neither money nor character, express themselves dissatisfied with the Mauritius."

Such being the case, he (Mr. Mangles) regretted to say that every Government since the passing of the Emancipation Act, instead of regulating and taking means to carry on immigration for the benefit of both parties, had impeded and prevented it; and now it was proposed to grant a large sum of money for the purpose of doing that which ought to have been done years ago. It would then have been effectual for the relief of the West Indies. He thought that, on account of this long neglect and unjust interference with the natural right of the planters to get labour where they could, the West Indies had the strongest possible claim on this country. He knew that it would be urged that it was not so much the Government that had thrown impediments in the way of immigration as public opinion, for that the people of this country were so jealous of any thing that might appear like a covert resuscitation of the slave trade, that they prevented the Government taking those steps which were necessary for the purpose of providing a supply of labour to the West Indies. He admitted that representation; but if it were true, it was gross injustice for the public now to turn round on the West Indies, and, after having prevented them from getting a supply of cheap labour, to say, "As you cannot, in the absence of cheap labour, produce cheap sugar, the interest of the consumer must be paramount, and protection must be taken away from you." He believed that the Anti-Slavery Association were responsible, to a great extent, for the state of things now existing, as they had prevented the West Indies from getting a proper supply of labour. That association had, in fact, done all in its power to falsify all its own positions, in respect to the superior cheapness of free labour, and to verify the declarations of its opponents, who had always affirmed that it was impossible to raise tropical produce otherwise than by means of slave labour. He admitted that free labour was the cheapest, but that body was opposed to immigration on the ground not only that it was covert slave trade, but also because the admission of labourers would keep down the wages of the emancipated negroes. He thought that the West Indies ought to have had the advantage of a sufficient supply of free labour at an earlier period, for it was not fair to tie their hands behind them, and then tell them to compete with other countries. He also thought that the West Indies now for a time ought to have some such advantages as the hon. Member for Droitwich asked to be conceded to them. They ought, too, to have unrestricted resort to the labour market, and liberal steps should be taken to enable them to improve their cultivation by, among other means, irrigation, which was most essential in tropical countries. We must now, in justice, pay for the consequences of our neglect and injustice. At the same time, effective and immediate measures should be taken to reduce the expenses of the colonial administrations. He considered it most desirable that kindlier relations should be established between the colonial authorities and the colonists; and that the authorities should be taught that it was not merely their business to govern the colonists, but to help them through the difficulties they might have to encounter. For the reasons he had stated, he felt compelled, though he did so with great pain, to support the Amendment in opposition to the plan of Her Majesty's Government.

MR. ROBINSON was anxious to explain the grounds upon which he had on a former occasion voted against the proposition of the Government, and upon which he intended to-night to support the Amendment of the hon. Member for Droitwich. He had been surprised to hear the hon. Member for Northampton contend that the West Indies had no claim whatever upon Parliament or the country; and that as our West Indian colonies were incapacitated, by circumstances over which Parliament had no control, from competing successfully with Cuba and Brazil, the result must be that those colonies would, before long, cease to produce the chief supply of sugar for the home market, and that we must expect to obtain our supply from the possessions of Spain and from the Brazils. The noble Lord opposite (Lord J. Russell), in enunciating his proposition, stated that his object in framing the resolutions submitted to the House by the Government, was to adhere to the principle of the Act of 1846, and at the same time to afford to the people of this country a cheap supply of sugar; and the noble Lord dwelt with special emphasis upon the latter of those objects. Now, he must say he considered that the noble Lord had altogether abandoned the principle of the Act of 1846, by extending the period when the duties upon sugar were to be equalised from 1851 to 1854. The noble Lord might say that it was only a question of time, and that in proposing to equalise the duties on sugar in 1854, he adhered to the principle of the Act of 1846; but he (Mr. Robinson) considered that by proposing to continue protection for three years beyond the time contemplated by the Act of 1846, the noble Lord had abandoned the principle of that Act. There was no man in the House more fully convinced than himself that it was the duty of Parliament, by every means in its power, to cheapen the necessaries of life to the consumer; and that duty was especially incumbent on the Legislature under the present circumstances of this country, when they had a constantly-growing population, and, he feared, a concurrent diminution in the demand for labour. But was the noble Lord quite sure, if his proposition were adopted, although its effect might be to cheapen the price of sugar in the first instance, that it would eventually ensure a supply of cheap sugar to the consumers of this country? He (Mr. Robinson) entertained very great doubt upon that subject. He thought the hon. and learned Member for Kidderminster (Mr. Godson) had satisfactorily shown that the effect of discouraging the growth of sugar in our West Indian possessions would be this, that we should derive comparatively small supplies from our own colonies, and that our trade in sugar would be transferred to Cuba and the Brazils. If this was the result of the Government proposition, they would merely be giving a monopoly to Cuba and Brazil, instead of to the British West Indian colonies, and in the end, probably, the price of sugar in this country would be quite as high, if not higher, than at present. He was not going to enter into the question of West India distress; but he might remind the House that various reasons had been assigned for the existence of that distress. It had been said, that the West India planters were utterly ignorant of the mode of cultivating their estates—that they had indulged in extravagance to such an extent that they had brought ruin upon themselves—and that they had no right to come to Parliament asking for assistance. It had also been said, that one cause of the distressed condition of the West India islands was, that a very large proportion of the property in those colonies belonged to persons residing in this country, by whom it had been mortgaged, and who had little or no personal interest in the estates. Now, in reply to this latter assertion, he might state, that many of the resident planters whose estates were not mortgaged, had been involved in the same ruin with the absentee proprietors. He held in his hand a copy of an address delivered at Jamaica by the Hon. Mr. Gordon, who had resided in the parish of St. Andrew's, in that island, for thirty-six years, cultivating his own property, and who stated, that when he first went to Jamaica, the value of the sugar and rum produced in the parish of St. Andrew's was 175,000*l.* per annum, while it was now only 15,900*l.*, the decrease in value having been no less than 159,000*l.* Mr. Gordon said that, for himself, he was a ruined man; for though a few years ago his estates had yielded him 10,000*l.* a year, he did not at that time derive from them as many pence. The distress of the colonies had been admitted by Sir C. Grey, Lord Harris, and others conversant with their condition; but the statements of these Gentlemen had been altogether disregarded by the Government. Indeed, the conduct of the Government on this subject reminded him of the Hudibrastic distich—

> "A man convinced against his will,
> Is of the same opinion still;"

for they seemed determined to pursue their own course, regardless of the advice of those to whom the administration of the colonies had been committed. It appeared to him that the noble Earl at the head of the Colonial Office acted as if he was a dictator empowered to govern the colonies according to his own will, and paying no attention either to the evidence given before the Committee on Sugar and Coffee Planting, or to the representations of the colonial governors. He (Mr. Robinson) had had experience, during many years, of the conduct of the Colonial Office; and he would not impute to Earl Grey or to the present Under Secretary for the Colonies (Mr. Hawes) that which he believed was imputable to the constitution of the office. He (Mr. Robinson) considered that the Colonial Office was the worst-administered portion of the Government departments. He attributed this circumstance in a great measure to the diversity of interests in the colonies, and to the impossibility that one individual could effectually superintend the numerous colonial possessions of this country; and he (Mr. Robinson) saw no reason why a board similar to the Board of Admiralty or the Board of Control should not be established, to whom should be committed the administration of the colonies. Some hon. Gentlemen seemed to think that if one halfpenny or a penny a pound was saved in the price of sugar, the people of this country would be benefited by the amount of that reduction; but those Gentlemen overlooked the fact that, although we might give a somewhat higher price for the sugar of our colonies than we should have to pay if the trade was thrown open, our West India colonies took the produce and manufactures of this country in return for their sugar; and this interchange was mutually advantageous to the colonies and to the mother country. He (Mr. Robinson) had understood the right hon. Baronet the Member for Ripon (Sir J. Graham) to state the other night that he (Sir J. Graham) supported the Government proposition because he considered that if the House adopted the recommendations of the Committee, or continued the policy of protection, it would be a retrograde movement as regarded free trade. His (Mr. Robinson's) opinion was, that we could not carry out what was called the principle of free trade; but what was in truth more properly described as the principle of free imports (for there could be no free trade unless the relaxation on our part were reciprocated by other countries), without producing what the right hon. Gentleman also alluded to, namely, cheap prices, and, as he (Mr. Robinson) believed, cheap labour. The Manchester party argued as if cheapness of prices was the grand consideration; but it was much more important to the labourer to have full employment and remunerative wages, and he could not have either if this country was to be reduced to the same cheapness as the cheapest Continental countries. How was the capitalist, then, to derive a fair return for his capital? No, we must return to the system under which the various interests in the empire mutually supported one another, and the labourer found employment. The manufacturer now had succeeded in taking away protection from the landed interest, and we were become jealous of one another. In this country it was necessary to raise a very large revenue; and what was called the principle of free trade could not be applied to such a country without producing the most serious evils. He (Mr. Robinson) did not advocate protection as defensible in itself: to justify protection to any interest, it must be shown that such a system was beneficial to the whole. The present was an imperial rather than a colonial question. He was not prepared to abandon the colonies, and still less to drive them into opposition to the mother country. But the ruling feeling in the minds of the colonists now was that they had been ill-used by Parliament, and they were beginning to question whether in certain circumstances they would owe allegiance to the mother country. There were symptoms of resistance even now; and how would Government deal with them if they withheld the supplies? Already the Legislature of British Guiana had proposed to vote the supplies for three months only, in order that they might see what Parliament determined to do. Were we prepared to take upon ourselves the payment of the civil expenses of the colonies, as well as the military? It had been argued that there was no bargain with the colonies in 1834; but surely there was morally though not legally speaking, a contract to give them a preference in the home market, and to exclude slave-grown sugar. It was recognised in effect by decisions of the House in 1841, 1844, 1845, and even 1846. It was argued that in consequence of the existence of treaties we could not exclude slave-grown sugar in particular; but if we were under treaties (it was not stated for how long) which would bind us to admit the produce of some States that would furnish but a limited supply, that was no reason for throwing the sugar trade into the hands of Cuba and Brazil. Surely the right hon. Gentleman opposite must have rather lax notions of morality to ply that argument. The House was now called upon to affirm either the proposition of the Government, or that of the hon. Member for Droitwich, which was based on the recommendation of the Committee. The measure of the Government, he contended, would not afford adequate relief to the West Indies, while he believed that the one brought forward by the hon. Gentleman would give relief, and at the same time restore confidence to all interested in the trade of those colonies. For these reasons he should give his support to the Motion of the hon. Member for Droitwich.

MR. OSWALD had heard nothing from Gentlemen opposite connected with the Government that could induce him to give his vote in favour of their measure. He had generally been in the habit, when the Government brought forward a question of difficult solution, of waiting till the right hon. Gentleman the Member for Tamworth gave his opinion; and he had done so in this instance; but he must say that in nothing that fell from that right hon. Gentleman had he found more reason for supporting the measure than in what had fallen from the authors of it. The right hon. Gentleman stated, that if they voted for the former Amendment of the hon. Member for Droitwich, they would, by so doing, declare that the measure of the Government was very inadequate and inept. Now, it was just because he thought that was the proper character of the measure that he voted in the minority. The right hon. Gentleman said, he could not agree to give protectiion to the West India interest; but what had they in the measure now brought before the House by the Government, if they had not increased protection for that interest? They proposed to increase the protection by departing from the Act of 1846; and therefore they had incurred the censure which the right hon. Gentleman cast upon any measure that involved protection to the West Indies. In 1846, he (Mr. Oswald) voted for the measure which the Government then brought forward; but he must confess that he did so upon inadequate information. He did so before they had obtained that mass of information which the noble Lord the Member for Lynn had been the means of giving them—information for which they owed him a large debt of gratitude, because he thought he had shown in a new light a much vexed question. They had now under their consideration the present measure of the Government; and, as he had already said, that measure was in no degree supported by the right hon. Gentleman the Member for Tamworth with any good arguments. But what had they seen in that House? The hon. Gentleman in the chair (Mr. Bernal), in a speech in which nothing was "lame and impotent" but its conclusion, had certainly proved to every one who had listened to him that the measure of the Government was in the highest degree inexpedient. The right hon. Gentleman the Member for Coventry, too, had uttered a warning voice, such as he was accustomed to utter; but they had not attended to it. And when he turned to the press of the metropolis, and of the country, he found one universal chorus of dissent from this measure. Were they in that House to sing another song? If they were, then he thought the time was come for taking into their serious consideration the Motion of the hon. Member for Montrose. The Committee of the noble Lord had recommended a differential duty of 10*s.* for six years in favour of the West India planters. That recommendation had been made by a Committee who had paid great attention to the subject, and it was proposed to them by a free-trader. His right hon. Friend the Member for the University of Oxford (Mr. Gladstone) had sketched a plan which he thought would have been better than that of the Government; but the right hon. Gentleman did not possess that official information which hon. Gentlemen opposite did to enable him to bring it in such a shape before the House as that they could fairly judge of it. He would, therefore, take the liberty of dismissing that plan from his consideration; and, seeing nothing before him but the plan of the Government and that of the hon. Member for Droitwich (Sir J. Pakington), he must say he was prepared to support the latter. He would do so, perfectly ready to meet any taunt of inconsistency that might be thrown out against him. He was afraid there had been too much inconsistency in that House for many years to make such a taunt have much force. When he looked to the state of the West Indies as laid before the Committee, he could see the full amount of the injustice they had committed. He would not enter upon that evidence, but would read a very few lines from a paper called the *Economist.* That paper told them that after emancipation—

> "the Legislature of this country, in compliance with the demands of public opinion, imposed serious restrictions not alone upon the supply of free labour, but also upon the conditions on which it could be engaged, which tended in a very great degree to disturb the labour market, unduly to enhance wages, to promote habits of indolence and irregularity on the part of the working population, and entirely to destroy that wholesome and valuable check which competition alone can place upon the habits and demands of a free labouring people."

The same paper told them that the produce of sugar in the West Indian colonies decreased in the seven years that elapsed from 1834 to 1841; and it went on to say—

> "This was the obvious consequence of undue restrictions on the supply of labour, aggravated by the increased competition on the part of the planter, stimulated as he was by high prices and protection."

It appeared to him that the inadequate supply of labour, as was here stated, originating in the abolition of the apprenticeship was the great injustice that this country had imposed upon the colonies. He believed that that House was responsible for the injustice, and must pay the price. The had heard much of consumers, and he knew that every old lady in Ayrshire liked a good deal of sugar in her tea and her whisky toddy, but not one old lady would wish to rob the grocer to obtain it. If, however, they had robbed the West Indians, and if it was necessary, in order to repair that injustice, to pay a penny a pound more for sugar, he was certain that all his old lady friends would say they would rather take a little less than formerly, and thus rob no one. It was easy to come to that House and talk of sympathy—to admit and lament the distress which had fallen upon the West Indies—but sympathy was of no use whatever, unless it was attended with a sacrifice, to show that it did not come merely from the lips, but from the heart. He did not know what the opinion in Manchester might be on this matter; but he could answer for every man, woman, and child in the county that he represented, that they would all be ready to make a sacrifice. People read perhaps in a newspaper of the fall of some mighty commercial house, and their sympathies were excited; but they know not all the sorrow which that fall occasioned—a sorrow which no language could express, and which those only who had felt it could comprehend. He knew one house, of most respectable character, the founders of which were men sprung from the people, of whom Gentlemen on the other side of the House were always talking. These men left what was supposed to be an ample fortune; but at the hour he was speaking there were twelve families descended from and connected with them, not knowing where to get their bread, or where to lay their head; and this, as was told in the circular which related their tale, was the result of the legislation of that House in 1846. He believed them, for they were Scotch merchants, who never said a thing that was not. The right hon. Gentleman the Member for Ripon (Sir J. Graham) had said he was unable to discover that the change of 1846 had caused any palpable increase in the slave trade. Good God! where had that right hon. Gentleman been? 60,000 slaves in 1846, and 63,000 in 1847, against 32,000 in the two quinquennial periods that preceded those years! Was that not an increase in the slave trade? Was the evidence of Captain Birch, of Captain Portesfield, and other men who had a full knowledge of the facts, to go for nothing? Had not Captain Birch told them that there had been a resurrection of the slave trade with Cuba, which was extinct eighteen months ago? and had not the right hon. Gentleman read what our own Commissioners had said on this subject? Had he not read the letters of "Jacob Omnium?" If not, he would recommend him to read them, written as they were in pure sterling English. The hon. Member for Manchester attempted to show that there was no increase of the slave trade in consequence of the Act of 1846. That hon. Gentleman was a cotton spinner. He knew something of cotton spinners, for he was the son of a cotton spinner; and they knew very well the ugly fact that in 1846 the slave trade did increase. The evidence of the naval officers examined before the Committee established that fact; and with all the respect he had for the affirmation of the body to which the hon. Member belonged, he would take the word of British naval officers against even that affirmation, and against that of his right hon. Friend the Member for Ripon. They had heard, indeed, from the right hon. Gentleman the Member for Tamworth some hopes held out to them of brighter days, when slavery would vanish from the earth. He told us that a time was coming when the slave in Cuba and the slave in Brazil would no longer be a slave. He told us that a time was coming when the slave would spring a freeman from his fetters. But the unfortunate thing is that the same glorious vision presented itself to the view of Curran when he uttered those eloquent words with which the right hon. Gentleman closed his speech. Curran sleeps in his grave, but the slave is in his fetters still—still borne over the Atlantic from his home to a sterner fate than when Curran lived.

The CHANCELLOR OF THE EXCHEQUER: As it has been my duty, on more than one occasion to address the House on this subject, I trust the hon. Gentleman who has just spoken will not think me guilty of any discourtesy if I abstain from following him into the discussion of those topics which have been raised in former debates, and to which on former occasions I have adverted, and if I confine myself to the consideration of the views which have been stated by the hon. Gentleman who moved this Resolution as an amendment on the proposition of the Government. I shall also follow the example of the hon. Gentleman in confining myself to the question as it has now been brought forward; because I entirely agree with what has been said as to the infinite value of time in this matter. The proposition of the hon. Member for Droitwich is to reduce the duty on colonial sugar from 14*s.* to 10*s.* per cwt., instead of reducing it from 14*s.* to 13*s.*, in order to preserve a differential duty of 10*s.* on foreign sugar in favour of colonial sugar. The hon. Gentleman proposes to retain it for a period of three years; though he considers the continuance of that differential duty for an indefinite period essentially necessary to restore and maintain the prosperity of the West Indies. He also anticipated to a certain extent the objections which may be made to the proposition he has submitted to the House. Those objections are that the increase of protection which it gives to the producer is opposed to the interest of the consumer, and that it is calculated to operate against the revenue of the country. On both grounds I object to the hon. Gestleman's proposition. He thought that the argument was with him when he reminded us that we were charged with the interests of the empire at large, and that therefore we ought not to neglect those of the West Indies. I feel that most strongly. But there are other interests besides those on which he makes his appeal; and if the interests of the producers in the West Indies ought on the one hand to be consulted, I must say also that the interests of the people of this country, who are the great body of the consumers, are, on the other, not to be left out of consideration; that they are a body who are entitled to our careful consideration. But I am not prepared to maintain permanently a system of protection, thereby enhancing the price of the articles they consume, for the exclusive benefit of the West Indies. The hon. Member who has just sat down talks as if no sacrifice would be made by this country if the price of sugar were enhanced by a protective duty of 10*s.* On former occasions I have stated to what amount that protection goes. If any hon. Gentleman will refer to the papers now on the table, he will find a statement showing the price of colonial and foreign sugar at the same time, under different duties. [Mr. OSWALD: I did not say a word about that.] The hon. Gentleman talked of money being sacrificed as well as consistency. The terms which he used were very vague, but he seemed to think some sacrifice would be made. He spoke of old ladies in Ayrshire, who like sugar with their tea or their whisky toddy. I venture to express a doubt whether the population of this country would be prepared to pay the enhanced price of sugar which the long continuance of protection would produce. He seemed to think no additional price was paid under the proposition of the right hon. Gentleman the Member for Tamworth. If he will take the trouble to calculate the amount of sugar which was imported, and the price which was paid for it in the first three years, he will find that in the first of those years the price paid by the consumers of this country beyond what they would have paid had foreign sugar been admitted at the same rate of duty as colonial, was 3,800,000*l.*; in the second year, 3,600,000*l.*; and in the third year, 3,400,000*l.* I must say that in addition to the grant of 1834 the payment of those sums shows no want of sympathy with the West Indies. I do not dwell on the ultimate ability which the West Indian producer may show to compete with the foreign producer. The hon. Member for Guildford, who advocates the case of the West Indians, said, he was satisfied the colonial producer would compete with the foreign producer in the end. I am not prepared to maintain the amount of duty insisted upon by the hon. Member for Droitwich as requisite to enable the colonial producer to enter into that competition. The House of Commons has determined that the system of protection shall cease and determine. I have been accused of misquoting what fell from the hon. Member for Leominster (Mr. Barkly). I did not misquote him. I understood him to state that, as he had been for free trade in corn, he was for free trade in sugar. I am not prepared to go back. I would not, under any circumstances, ask the restoration of the protection which has been removed from corn and from sugar; but I am not prepared to remove at once all protection from the West Indian producer. My right hon. Friend the Member for Coventry and the hon. Member opposite have commented in rather severe terms on Members of the Government for adverting to the extravagant system of management in the West Indies. The wasteful management of estates appeared from the evidence of the West Indians themselves. But, so far from being considered a charge against them, the very circumstance that there has been an unnecessary expenditure on estates opens a source of hope to the West Indies, because if there is to be a reduction of the cost of producing sugar, in order to enable them to compete with slave-growing countries, they have the satisfaction of knowing that they have the prospect of attaining that object by reducing their present rate of expenditure. Hon. Gentlemen, indeed, who have spoken on former occasions, looked forward to such a reduction of expenditure. The hon. Member for Guildford said he was perfectly convinced that before long free-labour sugar would be the cheapest grown sugar in the world; he looked to that, and to that alone, for putting down slavery; and if it is not true that there has been waste and extravagance in the management of West Indian estates hitherto—waste and extravagance which may now be retrenched—the best ground of hope the West Indians can have, is cut away from under their feet. A main objection to the proposition of the hon. Member for Droitwich is on the score of revenue. It is said we have given too flourishing an account of the revenue for this year. I can only say, I did not consider it a flourishing account at all; but I was requested by a right hon. Gentleman opposite to show what was the present prospect as to the revenue, and to give some earnest to the House that the Government has not been neglectful of what is the primary duty of a Government—equalising the income and expenditure; and, so far as we could show, and so far as we could state, what was the prospect of such equalisation, I was bound, in answer to such an appeal, to show that the state of things was not so bad as we had reason to expect at an earlier period of the year. My right hon. Friend also thought that I had cast a slur on the Committee to which he belonged, and felt as if we were relieved from the responsibility of proposing reductions. I never felt for a moment that any responsibility had been taken off the Government, or that we had been relieved from our duty of doing what we could in the matter; and, so far from having undervalued the labours of that Committee, which I estimate as highly as any one can, I said nothing in derogation of the services they have rendered in the performance of their duty. But, after all, the Miscellaneous Estimates have been laid on the table of the House. I stated nothing but what every Member who chose to examine them was as well aware of as myself. So far as that Committee is concerned, I am satisfied that nothing I said can be construed into a reproach or want of courtesy to my right hon. Friend. The hon. Member for Droitwich seems to think I have misrepresented the probable loss of revenue under his proposition. I stated distinctly, that the first loss on the proposal he has made was 960,0000*l*., and that the first loss on the proposal of the Government was 240,000*l*. It is utterly impossible to dispute that fact. The first is a reduction of 4*l*. per ton; the second of 1*l*. per ton; consequently, the risk attending the proposal of the hon. Gentleman is, by 720,000*l*., greater than the risk which attends that of the Government. That is indisputable. I said, it was much more easy to make up a loss of 240,000*l*. than of 960,000*l*. I don't think it is disputable that the probabilities are much less in favour of making up so large a loss as that which the hon. Gentleman's proposal would entail. The only mode in which the loss can be made up is by increased consumption. The amount which will be received from the probably increased consumption depends, first, on the amount consumed, and, secondly, on the proportion in which that consumption consists of foreign and of colonial sugar. First, as to the amount. The hon. Member for Droitwich followed the estimate given in the resolutions proposed by the noble Lord the Member for King's Lynn, in the Committee over which he presided. That estimate stated the probable consumption for the next year at 325,000 tons. That I think an excessive estimate. I should be happy to farm the sugar duties at the rate which the hon. Gentleman puts the consumption. But I have no hope that it will reach that amount. The calculation implies an increased consumption of 35,000 tons in the course of a year. If the hon. Gentleman looks to former years, he will see there is only one year in which anything like that increase of consumption took place. In 1845 there was an increase of 38,000 tons. But that was a year in which those duties were largely reduced, and the imports of free-labour sugar were increased—it was a year of very considerable prosperity. Everything tended to produce an increased consumption of sugar, and that to so extraordinary a degree, that nobody in his senses would think of basing his calculations for the present period on the experience of that single year. But in any other year the increase has not exceeded 23,000 tons, and the average increase does not exceed 20,000 tons, which is the highest amount I venture to hope will be the increase on the consumption for next year. Remember that the proposal which the Government makes, arrests, so far as legislation can affect prices, any fall in sugar from the preceding year. The price for next year will depend on the price of the cheapest sugar of any given quality, together with the amount of the foreign duty. Looking at the necessity for obtaining a large supply of sugar, and also at the necessity for maintaining the cultivation of sugar in the West Indies, I think that we are justified in continuing a burden upon the consumer for a time; but I admit, that the probable effect of our measure is to arrest the fall of sugar. The increase in the consumption for next year may amount to from 15,000 to 20,000 tons; but it appears to me that there are no grounds whatever for thinking that the increase will be equal to that which took place in 1845. I think, too, that the hon. Gentleman is equally mistaken in the proportions which foreign and colonial sugar bear to each other. The report of the Committee states, that the importation of colonial sugar is likely to be 200,000 tons; and the report goes on to say, that the stock of colonial sugar in hand is from 60,000 tons to 65,000 tons, which would give an amount of colonial sugar which might enter into consumption in the course of the next year of 265,000 tons. Now, let it be remembered that the owners of colonial sugar will have every inducement to enter for consumption as much as possible this year; and therefore, when we see that there are 265,000 tons of colonial sugar which may be entered for home consumption, I do not know why the hon. Gentleman should suppose that only 225,000 tons of colonial sugar will be entered. I have received an estimate of the sugar which will probably come in very different from that on which the hon. Gentleman relies, and that estimate places the entry at from 230,000 tons to 260,000 tons. Add that to the stock in hand, and it will give upwards of 300,000 tons of colonial sugar, which we might possibly have entered in the course of the next year. It is impossible for me to say whether the estimate to which I have referred is accurate or not; but it was sent to me some time ago by a high authority in the City, without reference to this debate, and it has been in my possession six weeks or more. But, even taking the statement of the hon. Gentleman to be the more correct calculation, I cannot see why 250,000 tons of colonial sugar should not be entered next year, or at least as large an amount as that entered in the year preceding—namely, 240,000 tons. I have been told that I made a sanguine calculation when I reckoned on an increase of from 15,000 to 20,000 tons in the course of the year, the whole of which would be foreign sugar, because the entries of foreign sugar had of late been falling off. I stated before that my calculation was, that from 305,000 to 310,000 tons might be entered for home consumption in the course of the ensuing year, and I do not think it will exceed 310,000 tons. Unless the consumption is large, and the amount of foreign sugar is increased, there is no probability of an accession of revenue. I may gain about 40,000*l.*, but I shall be quite satisfied if the revenue next year is no lower than the year preceding. I do not feel disposed to take a desponding view of the subject, but I shall be quite satisfied if I do not lose by the reduction of the duty. I confess that I have made that reduction with unwillingness; but the emergency is certainly great, and I am ready to go as far as I can with safety to the revenue in order to meet that emergency. The right hon. Gentleman the Member for the University of Oxford thinks that I have gone too far; but taking into consideration all the circumstances of the West Indies, I think I may run the risk of reducing colonial sugar 1*s*. per cwt. I think, upon the whole, I have taken a reasonable and fair estimate of the probable consumption and proportion of sugar; and I hope I am justified in calculating that the reduction of duty will not entail any loss on the revenue, or at least any serious loss. I must, therefore, resist the proposal of the hon. Gentleman

Mr. M. GIBSON said, that as a Member of the Committee which inquired into the alleged distress in the sugar and coffee-growing colonies, he was desirous of making a few observations, and they should be but few, on the question now before the Committee. His hon. Colleague (Mr. Bright) had submitted a Motion on Friday night on which he should have wished to address the Heuse if an opportunity had been afforded him; but he would not now, as that was not the question immediately before hon. Members, draw any comparison between the measure of Her Majesty's Government as a whole, and the law of 1846 as it stood on the Statute-book. He would simply express his regret that Her Majesty's Government had thought fit to depart from the law of 1846. He had been in hopes that the law of 1846 was a final settlement of the sugar question, and that the House would never be called on again to discuss the sugar duties with reference to any other question than the revenue of the State. He contended, that when the House of Commons went into a Committee of Ways and Means, they had nothing to do with sugar-growing countries, or the profits of particular interests, and that the only thing they had to consider was, in what manner they should levy a duty which was adequate to the necessities of the public revenue. And yet what had this debate been about? For one word that had been spoken about the revenue of the State, there had been ten uttered about the necessity of providing a revenue for individuals. It was a monstrous thing that they never could discuss the question of raising a tax upon the people, without encountering some proposition for transferring a portion of that tax into the pockets of some section or other of the community. He was prepared, notwithstanding, to meet the case on the grounds alleged by hon. Gentlemen opposite, in reference to the distress of the colonial interests; and he contended, that if they were to discuss that distress, and the proposition for relieving that distress at the public expense, they ought to scrutinise the claims made with great accuracy and minuteness. It must be recollected, that hon. Members were not sitting there with a mine at their feet, into which they could dip their hands for gold, without reference to the interests of the other people of this country. When they relieved parties from the public Exchequer, they merely transferred a portion of the taxes into their pockets, which taxes were paid by the rest of their fellow-countrymen. They took from some to give to others, and therefore they were bound, as trustees of the public funds, to watch these claims on the ground of distress, or of alleged justice, with great vigilance. Let the House then consider what this distress was, and let him remind hon. Gentlemen of the time at which this appeal on the part of the West Indies had been made. This distressed interest was not the only distressed interest in the country. There had been distress—there had been failures—there had been bankruptcies elsewhere. He could tell hon. Gentlemen opposite that he believed the cotton trade of Manchester had, in 1847, lost an amount equal to that. [*Cheers.*] He understood that cheer, but he was merely stating a fact. It was his belief that many great losses had been sustained by that interest; and the House was not to suppose that they had not been sufferers because they did not come there to ask *in formâ pauperis* for a portion of the tribute which had been levied on their fellow-subjects. When he was interrupted by the cheer, he was about to state, that he believed the losses in the cotton trade in 1847 reached as great a value as all the exported produce of the British West Indies. He believed more. He believed that by keeping their hands employed at a loss, they had, out of their own capital, maintained the population and tranquillity of these districts. He only reminded hon. Gentlemen of these facts, because it was at the expense of those concerned in the foreign trade of the country—at the expense mainly of those parties who themselves had great difficulties to contend with—that it was proposed to-night to give relief to the West India interest. It was by proscribing, to some extent, the foreign trade of the country—by lessening the commercial returns—by limiting the supply of foreign sugar, which was exchanged for

British manufactures—that it was now proposed to confer a benefit on the West India colonies. But he begged to caution hon. Members not to place too much confidence in the allegation of individuals before the Committee as to the cost of production in the British West Indies as compared with slavedealing countries, for if there was one species of evidence he distrusted more than another—if there was one kind of testimony brought before Committees of that House which was less worthy of confidence than another—it was evidence as to cost of production and remunerating prices. Could anything be more obvious than that it was perfectly easy to get Gentlemen to go into a Committee-room who were interested in the growing or sale of a particular article, and tell them that they could not produce or sell it under a very extraordinary remunerating price? Why, whom did they examine? Only interested parties. They brought witnesses into the Committee-room, and said, "Now, tell us the least you can produce your commodity at, and what is the least you can afford to sell it at, because we are engaged in investigating those points, and if you tell us that the price, as compared with the cost of production, is insufficient, we will make it sufficient." They might depend upon it that witnesses, with ideas like these in their heads, would be sure to state a good remunerating price to the Committee, in order to get from them as high protection as possible. Hon. Members would recollect what was said about corn. At one period, farmers and country gentlemen were ready to come before Committees of that House, and tell them that they could not grow corn under 120*s*. a quarter—then it was 90*s*. a quarter—then 60*s*. But hon. Members now knew what exaggerations these were—they knew how little credit they deserved, from the facts which had since come out. But persons came from the colonies and told Gentlemen who had never seen a sugar cane the most extraordinary stories about the cost of cultivation. Every conceivable sum had been named that could enter the mind of man as the cost of producing a hundred-weight of sugar. Let any Gentleman state what sum he wished sugar to be produced at, and he would name it to them out of the report of the evidence. The cost of producing sugar in the British West Indies had been stated at 4*s*. per cwt.—it had been stated at 8*s*. per cwt.—it had been stated at 10*s*. per cwt.—it had been stated at 1*l*. per cwt.—and one man had said that the cost of producing sugar in one year was 16*l*. sterling per cwt.! If any Gentleman would turn to the evidence, he would find that he (Mr. Gibson) was not in the least overstating the case. He was persuaded that if the statement contained in that evidence, as to the cost of production, were submitted to twelve impartial men, who had no political or personal interest to serve, who were not afraid of divisions in Parliament, but who were ready to administer justice fairly on their oaths, they would find it impossible to state what was the actual cost of production. But what was the evidence of Lord Harris, a disinterested party, on this point? Lord Harris said that sugar might be produced in the British West Indies, by good management, at 10*s*. 5*d*. per cwt. If this was correct, then the proposal of the hon. Gentleman to give the West Indies a protective duty of 10*s*. was equivalent to giving them their sugar for nothing. Mr. Marryat, an interested party, but a man of great respectability, said that the cost of production was 20*s*. per cwt., or 20*l*. per ton; but he said that out of these 20*l*. 10*l*. were spent in labour. According to this estimate, the proposal of the hon. Baronet was equivalent to giving the West Indians the labour bestowed on sugar for nothing. So that, in order to enable the West Indians to compete with slaveowners, we were asked to give them, if Lord Harris's estimate was correct, their sugar the same as if they had stolen it; or the cost of labour for nothing, if Mr. Marryat's estimate was correct. He thought that a more monstrous proposition had never been submitted to Parliament. It did seem to him that the proposition to give these parties an amount of protection that would pay for all the labourers on their estates at the expense of the taxpayers of this country—to be paid, in fact, out of the hard-won earnings of our artisans, our factory labourers, our agricultural labourers—was a proposition founded on injustice. The right hon. Gentleman the Member for the University of Oxford said that these practices had a claim in money founded in justice, which he recognised. But there was one remarkable shortcoming in the right hon. Gentleman's speech—he admitted the claim, but he scrupled about paying it. He said that in the present state of the finances he could not hold out any encouraging expectations that that money claim would be satisfied. Now, he completely differed from the right hon. Gentleman in the view he had taken. He (Mr. Gibson) denied the claim; but if he admitted it he would say that the people of this country must pay it. But he disputed the claim. What was it? Some Gentlemen made very light of it; but these 20,000,000*l.* at 4 per cent entailed a permanent burden upon the people of this country of no less a sum than 800,000*l.* per annum. When Gentlemen talked of the cost of production they never made any deduction for the money given them then in order to make up for the supposed disadvantage between their position as slaveowners and their present position. Now, he would take the case of the British West Indies, excluding the Mauritius, which also received a part of the 20,000,000*l.* Well, the British West Indies received 16,461,000*l.*, which, at 4 per cent, made a sum of 668,452*l.* per annum. He found that the British West Indies for the last nine years—from 1839 to 1847—had exported 2,541,274 cwts. of sugar yearly. Now, the interest on 668,452*l.* amounted to 5*s.* 3*d.* on every cwt. of sugar which the British West Indies had exported in that period. So that he looked upon this as a compensation or bounty of 5*s.* 3*d.* per cwt. on the sugar annually produced and exported from the West Indies. This was the half of the whole cost of labour, according to Mr. Marryat, or the half of the whole cost of the sugar, according to Lord Harris. If, then, they deducted 5*s.* 3*d.* per cwt., they would find that even the large estimates of the cost of production were materially reduced; and he contended that, after making that deduction, the present price of sugar, 25*s.* per cwt., was perfectly adequate to replace the cost of production, and to pay a fair profit and interest on capital besides. Taking Lord Harris's estimate of the cost of production on good-managed estates at 10*s.*, and adding 6*s.* or 7*s.* for freight and other charges, this would leave 7*s.* after all for profit and interest on capital, which he thought a very fair remuneration. He would next take the case of Jamaica. On an average of nine years, from 1839 to 1847 inclusive, there had been exported from Jamaica 751,539 cwts. of sugar per annum. Jamaica received of the 20,000,000*l.* compensation, 6,109,000*l.*, being an annual charge on this country of 246,000*l.* This was equivalent to a bounty of 7*s.* 6*d.* per cwt. on the sugars it produced. If they deducted the 7*s.* 6*d.* per cwt. from the cost of production in Jamaica, which they were entitled to do, then it was clear that the cost of production even upon the most highly-coloured statement of the Gentlemen examined before the Committee, would be found far beneath what had been put forth by hon. Gentlemen opposite, and that such cost was amply replaced by the present price of sugar in the British market, besides paying a very fair profit upon the capital. He could not come to any other conclusion. How was the margin between the cost of production and the price of sugar got rid of? Recollect, they had nothing to do with interest upon mortgages, or with any fixed charges by way of jointures or marriage settlements; the only point they had to do with was simply this — did the market price of 25*s.* per cwt. pay the cost of production, the freight, and interest upon the capital? He represented that if they deducted 6*s.* bounty on West India sugar generally, and 7*s.* bounty on Jamaica sugar in particular, they would find that the cost of production was so reduced as that in the result a profit on the capital was amply realised. He would call the attention of the Committee to what the West Indians stated to be the cost of production in 1830. There was a Parliamentary statement produced by the Government as to remunerating prices, and as to the cost of production, and he found that, on an average of years, taken from a large number of estates, it was stated that the average cost of production of one hundred-weight of sugar in the British West Indies, without any charge on account of interest on capital, was 15*s.* 6*d.* Now, this was during a period of slavery. Were there any witnesses before the late Committee who had given evidence of that being the charge at the present time? He must leave it to hon. Gentlemen opposite to reconcile this extraordinary discrepancy. But, with regard to this money compensation, of which the right hon. Gentleman the Member for the University of Oxford had spoken, he must ask that right hon. Gentleman how he proposed to deal with it in the case of those parties who had recently purchased their estates? When a man got to the West Indies he bought an estate at a very small price; somebody then told him that once upon a time the property had returned a very large income, some 10,000*l.* or 20,000*l.*; he, however, found that he could not realise more, perhaps, than 1,000*l.*

"Oh! then," said he, "I must go to Parliament, and endeavour to induce them to raise the profit of my estate to what it was at a former period." He would ask the right hon. Gentleman whether he thought such persons were entitled to compensation? If he recollected rightly, there was a case of a ruined man mentioned in the Committee; but when it came to be investigated, it was found that he bought the estate at a nominal value—he had got possession of it, but he had not paid for it. It would, therefore, be extremely difficult, with regard to this money-compensation, to distribute the funds justly. He thought it perfectly impossible either to make compensation in money or give protection with any approximation to justice. Now they were told, upon a broad principle, that free labour could not compete with slave labour, therefore they must give compensation to the West India proprietors. He admitted that that was a plausible statement. He admitted that they were caught at first with the idea that there was little cause to expect that free labour should compete with slave labour; but had they had no instance where free labour had completely displaced slave labour? What did they say to indigo? In former times indigo was entirely supplied by slave labour; but the free labour of British India now supplied England and the whole of Europe with indigo. The Anti-Slavery Convention drew attention to that particular fact, and that the superior cheapness of free labour had been strikingly evinced in the cultivation of indigo. [The right right hon. Gentleman quoted a resolution passed by the Anti-Slavery Convention, in which these facts were embodied.] If, then, hon. Gentlemen on the other side made a broad statement, that free labour could not compete with slave labour, he would answer them with another broad statement, that free labour had competed with slave labour, and that it had displaced slave labour. With respect to the allegation that the slave trade had been increased by the Bill of 1846, no one yet had answered the arguments of his hon. Colleague (Mr. Bright) on that point. Would any one contend that the increase of the slave trade, in 1846, was produced by an Act of Parliament which passed in August, 1846? That increased trade must have been proceeded with in 1845; how, therefore, could it be attributed to the Act of 1846? But the slave trade in 1847 was less than in 1846; by what logic, therefore, could it be said that the Act of 1846 had increased the slave trade? It was of no use hon. Gentlemen getting up and making broad general assertions that the slave trade had increased. They must answer the argument of his hon. Colleague, and show that he was in error, and not attempt to mislead the British public, and raise an erroneous cry with a view to operate upon the humane feelings of their constituents. He was quite aware how very unpopular it was in that House for any Gentleman to advocate what did not appear to be a very popular interest, namely, the interest of the foreign trade of this country. He knew that the cotton trade was not the most popular interest that could solicit the favour of that House. It never had asked and never had received any favour from the Legislature. It had never come to that House, or been entertained by it as a popular measure. If it ever had had protection, it was only like the protection which formerly existed at Newcastle against foreign coals—it was totally inoperative. The cotton trade had gained its present ascendancy by the energy, enterprise, skill, and science of those who had pursued it. But the foreign trade and manufactures of this country were not to be proscribed in order to benefit colonial agriculture. He considered the foreign trade as good, as legitimate, and as valuable to this country as colonial agriculture. He would not consent to cripple the one in order to benefit the other. And when they talked of a system of emigration to benefit the colonies, how long were they to wait in order that the population of those colonies should become so dense that the people would consent to work for wages and sacrifice their independence? They had too many islands to let that day be within a very near period. If they were to attempt the plan with Jamaica, and endeavour to make it as dense, in proportion to its area, as Barbadoes, how many people, he would ask, would they have to send there? Something like five millions. It was not possible to increase the population of the earth in particular spots in that extraordinary manner by any process of emigration. They must be content to wait for the natural growth of the population. If they had attempted to form a larger colonial empire than they could establish by the capital and skill which they had at their disposal, it was their own fault. He would not, because there had been a too avaricious policy to extend the mere surface of our colonial possessions—he would not, on that account, be a party to any legislation which should restrict or interfere with the freedom of exchange with foreign countries, which he considered one of the most valuable civil rights which Englishmen could possess. He would contend that an Englishman had the right to freedom of exchange, and the only ground upon which it should be interfered with was the state of the public revenue. There was no other reasonable ground upon which he could consent to cripple the free trade of this country. He was as anxious to put down slavery and the slave trade as any man in that House; but as public opinion had put it down in the dominions of England, so would public opinion put it down in foreign nations. If, however, they pursued a course of policy towards those nations such as the noble Lord the Member for Lynn had recommended, with a view to discourage the slave trade, the only result would be that they would identify slavery and the slave trade in those nations with feelings of national pride and national independence, and would raise a feeling against the abolition of the trade which they were so anxious to suppress. It would never be put an end to by such a course of legislation. Hostile tariffs did not give freedom to the slave in the British dominions, and it would not in the dominions of any other Power. They must confine their attention to their own country; and he called upon them to give up the idea of making their trade depend upon the municipal laws of foreign nations, and the abolition of slavery in other lands. Let them maintain commercial freedom in their own country. The two things were distinct, and he believed would be the best means for working out the abolition of slavery in the different nations of the world.

Mr. T. BARING said, that having taken part in a former discussion on this subject, and having then expressed a strong opinion, which had been strengthened by what had occurred since, that a great alteration in the Bill of 1846 was necessary, he was anxious to state the view he took of the measure which the Government had submitted to the House. He would much rather not enter into any discussion of the question of free-trade measures, not that he would shrink from expressing his opinion upon that subject; not because he should hesitate in saying that everything that had occurred and was occurring had confirmed him in the opinion of the danger of a great, sudden, and sweeping change in our commercial legislation; not because he was the less convinced that a rash application of the soundest principles might be fraught with danger, but because he thought that this question stood upon special grounds—that, looking to past legislation, and the past system of our sugar-growing colonies, and the competition which they were called upon to bear, no one could hesitate to say that it was a distinct and special case, and ought to be treated as such. But the right hon. Gentleman the Member for Manchester said that when once the question was settled, they were only to look to the revenue; let the tax be fixed, and whatever might be the evils that resulted from the system, they were bound not to change it in any way or in any degree. He (Mr. Baring) thought that they were met in that House not only to tax but to redress grievances. He thought that if a case of positive injury could be proved, it was the first duty of that House to remedy that injury; and when the right hon. Gentleman said if our own colonies were suffering, every other class of the community was suffering also—that the manufacturing interest in Lancashire was suffering—he (Mr. Baring) would assure the right hon. Gentleman that he most sincerely deplored it, but if he could show that the Legislature of this country had so interfered with the labour of the manufacturer—if he could show that it had abstracted the labour without supplying its place—then he would say that the manufacturer had a strong ground for redress from that House. They heard not many years ago of the injury that would be inflicted on the manufacturing interest by reducing the limits of labour by two hours. What should they say then if in the colonies six hours of free labour were put against sixteen hours of slave labour? What would the manufacturers of Lancashire say if they were obliged with six hours' labour to compete with sixteen hours' labour? And when the right hon. Gentleman, referring to the Committee, said that it was not to be trusted, that the witnesses were packed, that they put their own questions to them, and that no one could believe the report—he would leave it to the Members of that Committee and to the right hon. Gentleman himself who regularly attended the Committee, and had an opportunity of cross-examining and putting questions to the witnesses, to say whether the right hon. Gentleman did not vote in favour of the resolution of the hon. Member for Westbury, in which he said that the colonies were suffering under most grievous distress, and that immediate relief ought to be provided? [Mr. GIBSON: The right hon. Gentleman was mistaken; for that resolution was never submitted to a division.] But the right hon. Gentleman quoted Lord Harris's statement that 10*s.* was sufficient for the growth of sugar; but it was from the very same statement that his hon. Friend the Member for Droitwich had quoted 18*s.* 6*d.* or 19*s.* as being the average of growing it; whilst Lord Harris said that in the neighbouring colonies sugar might be grown for 4*s.*; and when the right hon. Gentleman wished the Committee to believe that 10*s.* was a remunerative price for growing sugar, without any interest for capital, or any sinking fund to repay it, he (Mr. Baring) thought the right hon. Gentleman was likely to lead the Committee to a very wrong conclusion. But let him say one word with respect to the observation of the right hon. Gentleman the Member for Northampton, that the Amendment of his hon. Friend the Member for Droitwich was a party movement. He did not view it as such. His great wish was to separate this question from all party feeling. There would be great injury in so connecting them. But if the hon. Baronet had retained his original notice of proposing an amendment that the House should be bound to adopt the recommendation of the Committee, it would be most offensive to the Government, because it would be dictating to the Government that that step, and that alone, should be adopted to remedy the evils that existed. The course the hon. Baronet had taken, if not in conformity with the majority, was certainly in conformity with a great body of the House; but if it were said that the Motion of the hon. Baronet, if carried, would have been so offensive to the Government that they would have resigned, he could not believe that any Government of the present day could expect to carry through its measures without any defeat or change in the details; but, if it were so, it would be another proof to the colonies how impossible it was for them, amidst the party struggles of political views and principles in that House, to obtain a fair hearing of their grievances. He would not enter into any details and calculations. He agreed with the Chancellor of the Exchequer that it was difficult to afford relief to the colonies and relief to the consumer, without affecting the revenue; but he thought with the hon. Baronet that this was a case where there must be some sacrifice of the revenue; and it was a serious consideration whether, upon an article of such great and general consumption as sugar raised by the suffering interests in the colonies, they could permanently raise so large a portion of the revenue. It was, he believed, a calculation of the *Economist* that in 1854 the consumption of sugar in this country would be 400,000 tons, which, at 10*s.*, would produce 4,000,000*l.*, which was less than the revenue derived from sugar last year. That calculation, therefore, did not seek to maintain it at its present rate; and the Chancellor of the Exchequer calculated his diminution in comparison with last year. But there were two things he should consider: in the first place, the possibility of an increased consumption from last year; and, secondly, whether that would fall on the higher duty-paying sugar. He knew it was very hazardous to form an estimate of what the revenue would be, and he would not do it; but of this he was convinced, that if relief were to be afforded to the colonies, it could not be done without risk to the consumer or the revenue, and the hon. Baronet preferred its falling on the revenue. But the measure of the Government must be taken altogether, and not in any one particular point. It would have afforded him much pleasure if the Government had proposed a measure which he could have supported; because a measure proceeding from the Government would have produced a better effect in the colonies, than could be anticipated from any arrangement which might be adopted after a struggle in that House. The Government proposed that foreign sugar should pay a duty of 20*s.*, and British colonial sugar a duty of 13*s.*, leaving an apparent protection to the latter to the extent of 7*s.* It, however, was proved before the Committee that when foreign sugar was compared in value with British colonial sugar, there was a difference of 2*s.* 4*d.* in favour of the former, and that, therefore, it was necessary to deduct that sum from the nominal amount of protection, which would leave 4*s.* 8*d.* as the real protection. Then it was said by the Government that the changes proposed with respect to molasses and rum would be equivalent to 1*s.* 6*d.* per cwt. on sugar in favour of the colonies; but a statement which had been published that morning by Mr. Green (in the *Times*), showed that the calculation of Government in that respect was very much exaggerated. If, therefore, the Government really intended to give the colonies an advantage equivalent to 1*s.* 6*d.* per cwt. of sugar by their propositions respecting rum and molasses, it was incumbent on them to carry their intention out in some other manner. Finally came the question, were the propositions of the Government, taken in combination, sufficient to produce the effect of revivifying the industry and restoring the confidence of the colonies? In the opinion of all persons connected with the colonies they were not. It was his opinion that even with a 10*s.* protection the colonies would undergo a severe struggle, and that a large portion of property would cease to be cultivated; but still under that protection cultivation would be continued to a great extent, and the price of sugar would not be enhanced to the consumer. It, however, was impossible that the measure now proposed could be looked upon as a final measure by the colonies, or that it would restore confidence there. It was to be feared that the colonists would look upon the Government proposition as intended not to meet their wants, but to do as little as possible, and to save what Ministers called the principle of the Act of 1846. The colonists would believe that the object of the Government had been not to save them, but to preserve their own consistency. The whole proceeding would be looked upon as a party move. It would be said that the Government, seeing they must do something, sent for an hon. Member who was very able and learned in figures, who had great talent in either elucidating or mystifying a fact or an argument, and said to him, "We must do something in this case, if it be only what the Member for Manchester calls throwing dust in people's eyes—we do not wish to do something because distress is urgent, for that we knew in November—nor do we wish to do what our governors tell us ought to be done because we do not attach importance to the despatches of our governors: they see things as they are—the Colonial Office sees things as it wishes them to be—we are not prompted to act in consequence of the report of the Committee, for although we granted a Committee to allay the impatience of the public, we had made up our minds before they met not to be influenced by the evidence they might receive, or the report they might agree to—we are not called upon to act in this matter under the pressure of public meetings and popular clamour, organised by a monied league, for the colonists are too poor to agitate; but many of our staunchest supporters think the Act of 1846 has not worked well, and that something must be done; therefore try a shuffle of the scale, throw out a bait to induce the hon. Member for Rochester and the right hon. Member for Coventry to join us; do something to satisfy the friends of the Government, and those who vote with them. There were two distinguished Members of the Committee who voted neither one way nor the other; and if our measure does neither one thing nor the other, we shall have their support. At any rate, the two great leaders of that party, whilst they give their sympathy to the colonies, will give their votes to us from dread of reaction." A measure originating in such motives, and carried by a majority of 15, would not satisfy the colonists. He hoped that even yet the Government would resolve to pass a measure which would meet with the general assent of the House. The right hon. Member for Northampton had talked of a contract existing between the Legislature and the colonies. How absurd it was to speak of a contract between an omnipotent Parliament on the one hand, and feeble colonies on the other! All that the latter had to do was to bow to the decree which was issued against them. But the contract, such as it was, had been violated in all its essential particulars by the Legislature. Did the House think they would benefit the consumer by any measure which should be destructive of sugar cultivation? There would be great falling-off in the production of sugar in such an event. But it might be said that our colonial sugar would be replaced by foreign sugar. In the meanwhile, however, and before this could happen, they would pay dear for their sugar: for it was easier to destroy sugar cultivation than to replace it; and when the capital heretofore employed in sugar cultivation in a colony was diverted from that channel, it was not easy to recultivate sugar, even if they could restore industrial habits among the population. The question of cheapness did not depend upon cheapness to-day, and dearness to-morrow; what they wanted was permanent cheapness, and if they destroyed the sugar cultivation of their colonies, they would soon make sugar dearer. The question really was, whether they would not have in the long run to pay more by not protecting their colonies, than by consenting to pay 1*d.* per lb. more for their sugar? They could not discard their colonies. How did they suppose that parties who were ruined could go on paying taxes for police, for maintaining order, for diffusing instruction, and promoting religion? The right hon. Baronet the Member for Tamworth had proposed that the House should take upon itself to pay a proportion of the expenses of the colonial governments; but if the vote came annually before the House, the matter would be debated like the sugar duties, and the colonies could never rely on the payment of this portion of their expenditure. Whatever might be the result of their present state of distress, the colonies would cling to this country for guardianship, and would say that we were bound to protect them from internal commotion and foreign danger. It was with deep regret that he voted for anything that endangered the revenue; but until the Government proposed some measure likely to command more general concurrence, he would vote for the measure recommended by the Committee, which the general evidence showed could hardly be dispensed with, and which was indispensably necessary for a short time to continue the cultivation of these islands. He did not expect that a permanent protection would be necessary for the colonies. A better organisation of labour, a more effectual system of immigration, or else the effect upon the prices of labour which the prospect of immigration would have, an improvement in the vagrancy laws, and better means for teaching the negro to perform his duties to his master, were no doubt required, and would do much. For the reasons he had stated he should give his humble support to the Amendment of his hon. Friend (Sir J. Pakington).

Mr. DISRAELI: Sir, I can assure the Committee that I shall not break the rule that has been generally observed, namely, that of addessing it but for a few moments. With respect to the two positions which are taken by the noble Lord—first, with regard to the revenue; and, secondly, as to the extensive nature of the proposition of the Member for Droitwich, I should say with respect to the first objection of the noble Lord, that I do not consider, from the experience that we have had this year of the noble Lord's calculations with regard to the revenue—his opinion upon that head should be of vital importance in the present discussion. I cannot accept the fears which he has so easily implied as to what must be the consequences of the proposition of my hon. Friend. I imagine its effect upon the revenue will be very slight. It is certainly an objection to the proposition of my hon. Friend, that it is of a temporary character. But I want to know what is the proposition of Her Majesty's Ministers? The scheme of my hon. Friend is a step in the right direction, and, at any rate, it gives greater certainty than the scheme of the noble Lord. So much, then, for the two great objections which the noble Lord has brought against the proposition of my hon. Friend. I cannot agree with those hon. Members who are disposed to depreciate the investigation and report of the Committee that sat upon this question. I believe I have read the evidence of the Committee as sedulously as any hon. Gentleman. I think this habit of depreciating the labours of Committees of this House has of late become a great evil. There is one point upon which we are all agreed, with the exception, I believe, of the hon. Gentleman the Under Secretary for the Colonies—we are all agreed that our sugar-growing colonies are in a state of unprecedented depression. [Mr. Hawes: So I admit.] The hon. Gentleman has then become more enlightened during the progress of the discussion. The House, I believe, is pretty well agreed upon the point, that these sugar-growing colonies are in a state of unprecedented depression. The hon. Gentleman the Member for Droitwich has advanced a proposition to the House in connexion with the report of the Committee, that this depression has arisen from the inability of our sugar colonies to compete with the sugar colonies of other countries enjoying the advantage of slave labour; and what we are now called upon to decide is, whether we will give that assistance to our colonies that will allow them fairly to compete. A Committee, the majority of which was composed of men in favour of the commercial ideas of the present day, decided that a protection of 10*s*. should be given to our sugar colonies. That decision was founded upon a prolonged, minute, and, I apprehend, a very impartial investigation. I do not think that the right hon. Gentleman's representation is a fair account of what took place before the Planting Committee. He himself was there, and gave to its proceedings all the benefit of that acute criticism by which he is so much distinguished. The right hon. Gentleman the Member for Manchester says we all know how investigations are carried on before Committees; that a certain number of leading questions are asked, a certain number of witnesses brought together; and the result is a report which re-echoes the convictions of the chairman, for the purpose of advancing and facilitating some foregone conclusion. The right hon. Gentleman at the time was a Member of the Government, and there served on the Committee other Members of the Government, who had an opportunity of producing their own witnesses. One gentleman, called "Lord Grey's witness," was called before the Committee. He came from the Colonial Office; and he had been examined in chief by a Member of the Government during three hours and 25 minutes. His business was to substantiate the truth of the principles which are at present acknowledged to be the principles of the Colonial Office—namely, that free labour can compete successfully with slave labour—that the great cause of West Indian distress is absenteeism—and that the great remedy for that distress is to be found in a repeal of the navigation laws. A majority of the Committee consisted of free-traders; and yet the evidence had forced on them the conviction that a protection of 10*s.* ought to be given to our colonists. Mr. Pickwood, the gentleman who had been called "Lord Grey's witness," endeavoured to show that free labour could compete with slave labour; but he admitted in the course of his cross-examination that he did not himself produce sugar on his estate at St. Kitt's for less than 52*l.* per ton. That admission settled the first point, so far as that gentleman was concerned. He also endeavoured to show that absenteeism was the great cause of the distress in the West Indies; but he afterwards admitted that every resident West Indian proprietor was insolvent, and that all the sugar was produced on the estates of absentees. That was the result of his evidence on the second point. Mr. Pickwood, in attempting to substantiate his third point, namely, that a repeal of the navigation laws could alone save the West Indies, had made a statement with respect to the tonnage and the charge for freightage from the island with which he was connected, which statement had been entirely contradicted by the next witness that had been examined, and one generally acknowledged as the highest authority on this subject. This was the result of the evidence given by the Government witness. I mention the fact because the late Vice-President of the Board of Trade endeavoured to convey in his speech (probably addressed to the electors of Manchester), that the inquiries of this Sugar and Coffee Planting Committee were not conducted in a fair or proper manner—that, in fact, they had only heard the evidence on the one side, and then adjourned, and never made a report. But, Sir, this Committee heard the evidence on all sides, and conducted its inquiry in the most determined manner to obtain the truth: any person might have appeared before it for examination, and have been examined if his evidence was worth listening to; and, so far from shirking or evading the production of a report, that Committee produced more reports than any other which has been appointed by this House. It is proved by the evidence submitted to it, indeed I may say demonstrated, that our sugar-growing colonies cannot compete with foreign countries enjoying slave labour, showing, in a manner the most satisfactory, that the difference between them in the cost of production was little less than 16*s.* per cwt. The hon. Member for Westbury (Mr. Wilson) subsequently challenged the accuracy of that calculation; but I think the reply made by my hon. Friend (Sir J. Pakington) convinced the House that it was just and accurate. The hon. Member for Westbury—a great authority—never appears so happy on sugar as upon other subjects. I never can forget the first debate of the present year, and the tremendous statistics with which he supported the cause of beetroot sugar. If beetroot sugar is to be the great source of supply in case the colonies fail to supply us with all that we need, might we not ask the hon. Gentleman whether the energies of Cuba, stimulated by the Munchausen quantity of railroads which, according to the hon. Gentleman, she possesses, might not aid her in successfully competing with the beetroot sugar of Europe? It is said how inconsistent it is on your part to prove to us that you require a protection of 15*s.* or 16*s.*, and then ask us for a protection of 10*s.* per cwt. Sir, that argument has been met by my hon. Friend; but I, too, will say a few words in reply to it. In the first place, remember that all the calculations brought before the Committee were made before any of these changes, of which we now hear so much, had been even commenced—before that reduction in the wages of labour were going on, had occurred. With what success and triumph would you not have replied to us if we had come forward and asked for 15*s.* or 16*s.* protection? You would have got up and exclaimed, "You forget that there is now going on in the sugar-growing colonies a great change in the wages of labour—a reduction equal to 25 per cent. You forget the advantages you have from the alteration of the rum duties—you forget the advantages you have from the immigration of labour." You would easily add other items to the catalogue, and then you would say, "And yet you come here to ask the House for a large measure of protection, totally forgetful of these important facts." But, Sir, we anticipated these objections—we give you full credit for the increased exertions of the planters, and the boon of the Legislature, and we fix upon a sum which, from all the evidence, appears to us to afford a fair protection to the industry of the colonists; which gives a moderate and not unreasonable amount of protection; and which will stand the test of an investigation in all these respects. It appears to me that the colonists are in this condition—that it has been established by the best evidence, laboriously collected and critically examined, that their distress arises from their inability to compete with slave-grown sugar—that as far as we can form an opinion, the protection proposed by my hon. Friend (Sir J. Pakington) is a fair and a just protection—and that we are, according to your own admission of the distressed state of the colonies, entitled to ask the House for its assent to this Amendment. You admit every circumstance necessary for the support of the argument upon which he founds this demand. You (the Government) do not come forward and tell us, like the hon. Member for Manchester (Mr. Bright) and his colleagues, that the colonies do not require protection—you admit that protection is required; and the question between us is merely whether the Amendment of my hon. Friend gives a sufficient amount of protection, or whether your proposal be not inefficient. With respect to the Government measure, I admit that it is of a remedial character. But in what respect is it remedial? I will tell you. It is remedial of the mistakes of the Legislature of 1846. That is the only manner in which I acknowledge it to be remedial. If, for example, it is of great importance that every negro be taken from the coast of Africa to our sugar-growing colonies, instead of to Sierra Leone, why was not that arrangement effected in 1846? Now you bring forward this as a remedy for the distress of the colonies. I say again it is a remedy for the blunder in your previous legislation. You say you are going to confer a great boon upon the colonies. You ascertain that in the classification there has not been a sufficient distinction made between foreign muscovado sugar and foreign clayed sugar. That makes the difference of a considerable sum in your tariff. You amend this, and you call it a measure of relief to the colonies. But I ask you why was not that difference acknowledged and set right in 1846? Again, you say we are prepared to advance half a million to the sugar-growing colonies in order that they may obtain labour. It is only a few months ago since you said the sum necessary for that purpose would not be more than 170,000*l.* [Mr. HAWES: For two colonies.] You said the other colonies did not require it. [Mr. HAWES: No, no!] Well, if it be necessary to advance 670,000*l.* in order to supply labour to those colonies whose condition has been so often before you, I cannot acknowledge that that is so much a remedy for the colonies, as a remedy for your blundering legislation of 1846. Something has been said about the position in which the Legislature is placed as to engagements entered into with the sugar-growing colonies, and the Chancellor of the Exchequer alluded to "the contract" between Parliament and the colonies. I do not say that in the vulgar sense there was a contract. I am perfectly willing to admit that there was no contract between the colonists and Parliament—that there were not two contracting parties; but does it at all follow that because the omnipotent party dictated terms, that party is not obliged to fulfil those terms? And you cannot deny that the Minister of the day called the attention of Parliament to the question of the colonies—that he called upon Parliament to revolutionise their social state by particular forms and conditions. Perhaps there were not two parties to this contract; but I am not sure, after all, that there may not be a contract without two parties—*Magna Charta* was surely a contract, but yet it was not signed by the Barons. If there be any man who pretends that there was no engagement that the West Indies should not have certain advantages—if there be any who will say that the markets of this country were not to be secured to the produce of the West Indian planter—that he was not to have the benefit of the apprenticeship system—then I say that that man must have forgotten the whole course of the political history of this country since 1834. It was unnecessary to pass a solemn law upon the subject, since we had Ministers of the Crown, and those who aspired to be Ministers of the Crown, pledging themselves in the debates upon the question that a large distinction should be preserved between free-labour and slave-grown sugar; and this distinction was the elementary principle in party policy. It was the principle that destroyed Governments and that made Governments—it was the principle upon which you went to your constituencies in 1841, and that which those constituencies ratified by immense majorities. Why, Sir, if we were m staken —if the people of England were mistaken —how can we turn round and say to the colonies, "You were labouring under a delusion?" Solemn pledges were given, upon the faith of which capital was obtained from those interested in the cultivation of those colonies; and now it seems these pledges are to be as evanescent as the mottoes upon the electioneering banners. Surely, if it were only for the reputation of this House, you will not now turn round and deceive the planter? The right hon. Gentleman the Member for Manchester used to talk a great deal about the Treaty with Brazil. How often has he come forward in this House and told us that we must change our sugar duties—that, unless we modified the sugar duties, the Treaty with Brazil, which was to expire in the following year, would not be renewed. Well, what has become of this Brazilian treaty? I ask the right hon. Gentleman and the members of his school, who told us that all the markets of the world would be thrown open to us if we would only change our tariff, where is this Brazilian treaty? I know it is a sore subject with the right hon. Gentleman (Mr. M. Gibson), and it is one which, at an early period, I intend to bring under the notice of the House. How many of our Plenipotentiaries have journeyed in the troubled waters of the La Plata and the Rio, and to what purpose? We have a right to expect some account of their doings. I have asked the noble Lord at the head of the Foreign Department about it, but in the present state of affairs in Europe he cannot give me a satisfactory answer; but I will very soon bring the subject again under his notice. I will not ask the hon. Gentleman where are those treaties of commerce for which our colonies were sacrificed, but where is the Brazilian treaty—where is that mighty trade with Brazil, which he told us was worth more than all the colonies put together? I called the attention of the House at an early period of the Session to the evidence of a gentleman of great ability who conducts the *Commercial Glance*, who showed that, as far as the industry of Manchester was concerned, they lost by the Sugar Duties Bill more than 1,500,000*l.*, and that nothing was gained to compensate for this loss but 74,000*l.* saving in the reduced price of sugar. But you ask, if assistance be given to the colonies, why should not assistance be given to Manchester, Oldham, or Bolton? I will tell you why. These towns have been able to legislate for themselves. They are unlike the colonies—they have a monopoly of legislation. I believe their position is almost as disastrous as that of the colonies, and I believe that you have laid the foundation for their depression, because you are unacquainted with the principles upon which public wealth is founded. And is the right hon. Gentleman, after participating in this legislation—after coinciding in that measure which crushed our colonies—after we have so long and so exclusively legislated for the manufacturing interest—to come down here whining about the state of depression in which Manchester is by his own theory placed? The right hon. Gentleman has decried protection, and has held up to ridicule those who advocate it; but I warn him before long we may hear the cry of "Protection!" even from Manchester. The right hon. Gentleman tells us that the colonies are of little use to us — that we committed a great mistake in adding such an amount of territory to the empire. [Mr. M. GIBSON: That we went too far.] Yes, too far. Then I went to know where is the line to be drawn: will the right hon. Gentleman lay down some limit as to the expansion of the empire? I will not go over our whole colonial dependencies, but I will notice two colonies which have been perpetually referred to in the course of this debate. The first is the Mauritius. The Under Secretary of State said that the misfortunes of our merchants were entirely owing to speculation. Now I have a statement before me drawn from the books of gentlemen often referred to in previous debates, but whose names have, from a feeling of sympathy, never been mentioned. I mention the name of one of those houses with permission—that of

Reid, Irving, and Co. They are gentlemen of high character, they were merchants of high credit, and were once held in great estimation as Members of this House. It appears from the statement which I have copied with my own hand from their books, that in August, 1843, the balance of their credit against their principal agents in all their estates in the Mauritius was 78,000*l*. After an immense, a lavish, but I believe a most judicious expenditure under then existing circumstances, in August, 1845, one year after the Act of 1844, which admitted foreign free-labour sugar, the balance rose to 183,000*l*. against them; and in 1847, twelve months after the Act of 1846 was passed, by which slave-labour sugar was admitted to the home market, that balance rose to 410,000*l*. And the whole capital which upon the faith of an Act of Parliament, and at the instigation of the British Legislature, they had expended in the improvement and cultivation of those colonies, was swept away. I do not wish to enter into the question whether this principle of free trade be right or wrong; but I say this is a case of very great hardship which has arisen out of your legislation, and that it is only one case out of many such cases. Here is a great commercial firm which lost between 400,000*l*. and 500,000*l*. between the years 1845 and 1847, in consequence of your passing an Act of Parliament which violated every previous engagement, and which was opposed to the counsel of all former Ministers, Governments, and Legislatures. Now, I come to the point touched by the right hon. Gentleman—the increase in the area of the empire—because the whole question lies in this. I take the Mauritius. The Mauritius is the key of India; it is the colony which is, perhaps, the most suffering of all—it is probably the colony which, if we are to put faith in the principles of the right hon. Gentleman, we should be the first to desert; and then the question arises—if other considerations than commercial considerations are to decide the policy of this empire—if the Mauritius had been in our possession fifty years sooner than it was, should we not have conquered India sooner than we did, and should we not have retained it at less cost? In fact, no country can firmly hold India, unless it retains possession of the Mauritius. Suppose that that island was again in the possession of France, what, I should like to know, would be our position in India? Then the other colonies, to which so much allusion has been made, are in close contact with the United States of America. Only imagine that America, which you say cannot become too powerful—imagine her in possession of these islands, and that she could command the whole Gulf of Mexico. If you say you care not what may be the increase in the power of a customer, so long as that increases the demand for your marketable commodities, then you must assume that political power is nothing, and that commercial advantage is everything. But then comes the question, when your political power is gone, what security have you for the continuance of your commercial advantage? I do not forget the promise I made to the House; but I must notice some observations of the right hon. Baronet the Member for Ripon. The right hon. Gentleman gave some peculiar reasons for supporting the proposition of the Government. He acknowledged that he supported it against his own convictions; but he said he did support it because I had observed in a debate that occurred two years ago, when I supported my noble Friend in his opposition to the fatal measure of 1846, that the time would come when Parliament would rescind this measure, because the spirit of reaction would be too powerful for them; and the right hon. Gentleman says he does not wish to vote for the proposition of my hon. Friend the Member for Droitwich, because he thinks that would be to assist in fulfilling my prediction. But I must inform the right hon. Gentleman that the fulfilment of my prediction does not depend upon carrying the Amendment of my hon. Friend. Her Majesty's Ministers themselves have fulfilled my prediction. My prediction was not in favour of any particular amount of duty. I said you will have to change the course of your legislation—you will have to go back; and you have gone back. Whether the amount of duty be 10*s*. or 7*s*., the reaction is complete; and I tell the right hon. Gentleman that reaction is not a thing to be made by Act of Parliament more than it is to be controlled by the opinions of Ministers of State. Reaction is inevitable. Reaction is the ebb and flow of opinion incident to fallible beings—the consequence of hope deferred, of false representations, of expectations baulked. Reaction is the consequence of a nation waking from its illusions. I apprehend that the moral phenomena of national experience are not different in commercial from what they are in religious and political circumstances; and when I find a community celebrated for its industry—celebrated once, I should rather say, for its industry and wealth—when I find its labour unemployed, its capital wasting away, its mills shut up, its counting-houses idle, I cannot be suprised that a feeling of distrust and discontent should fall upon the spirit of the people. It is very easy for a Gentleman of the great position and eminent ability and varied experience of the right hon. Gentleman the Member for Ripon to cry out, " No reaction!" I know some hon. Gentlemen who used to cry out, " No surrender !" and who, after that, went and laid down their arms. But it is not by bravado exclamations of this kind that you can arrest the course of public opinion, or stop the inevitable progress of human affairs. Continue the course you opened with so much audacity and so much elation, and which you now quit with so much hesitation and so much timidity—pursue that course, and let the right hon. Gentleman continue his cry of " No reaction ! "—this I tell you, if you do that, before two years have passed away the right hon. Gentleman will be crying " No reaction ! " amid a dissolving empire and a despairing people.

Mr. VILLIERS, as he was a Member of the Committee to which the hon. Gentleman who just sat down had referred, thought it incumbent on him to make a remark upon the hon. Gentleman's speech, particularly as he had said that this reaction might be traced to false representations. The hon. Gentleman had asked the House to support the Motion now before it, on the authority of the report of that Committee, and on the ground that the Committee was composed of a large majority of what are called "free-traders." That would certainly be a sign of reaction, and a startling fact to go forth to the world; and he was sure the hon. Gentleman would thank him when he told him that it was impossible to state anything more distinctly inaccurate than that. Why, the noble Lord (Lord G. Bentinck) was allowed to have his own way. [" No !"] He meant to say the noble Lord was the person who urged upon the House the appointment of the Committee. No other person seemed to take any interest in naming the members, and there were on the Committee ten protectionists and five free-traders. [" No !"] He repeated, there were upon it ten protectionists—men who were either protectionists in principle, or notoriously protectionists on the subject of sugar. Then came the question whether the proposition made by the hon. Gentleman the Member for Droitwich was carried by a majority of the Committee. He ventured to say that the one thing on which a majority of the Committee could not be induced to agree, was the very question of 10*s*. differential duty. The hon. Gentleman could not contradict him when he said that the hon. Member or the hon. Gentleman the Member for Liverpool was only able to carry the differential duty of 10*s*., by two Members leaving the Committee who would have voted against him; and when the hon. Gentleman referred to the evidence, and when he stated that all the evidence went to support this very proposition, he would remind him that all the evidence received from protection witnesses went to support a measure of a different character. The evidence went to show that the colonists were ruined for want of forced labour, and the want of the monopoly of the British market. There was no person who went into the cost of production, who did not agree that 10*s*. would not afford sufficient relief; and the only reason for proposing this amount was this—it was announced to the Committee that if a 10*s*. duty were proposed, the merchants of the country would advance capital to the planters of the island. It was said that nothing less than 15*s*. would afford protection; and the fact was that the evidence was against the 10*s*. duty, and for a measure of a different character. The report, therefore, could only be obtained from a minority on the Committee; and he challenged the noble Lord, who had the report in his hand, to contradict him if he could.

Sir JOHN PAKINGTON said, in explanation, what he intended to state was, that though the Committee had recommended a differential duty of 10*s*. for six years, yet that if he were asked to say what he would propose at the termination of that differential duty in 1854, he would not like to take upon himself the part of a prophet by declaring what might then be necessary—that he was not himself disposed to think that protection would be necessary for so long a period—and that he would for his own part be ready at a future stage in Committee to take a fixed differential duty of 10*s*. for three years, and to adopt a descending scale for the remaining period.

Lord GEORGE BENTINCK: At this late hour of the night, I will not trouble the Committee, except absolutely to answer the questions that I have been challenged to answer. There were on that Committee of fifteen—the names of which Committee were settled between the hon. Gentleman the Secretary of the Treasury on the part of the Government, and myself—but three Members, who voted in this House against the Act of 1846, namely, Sir John Pakington, Mr. Philip Miles, and myself. There were on that Committee of Members who voted in favour of the Act of 1846, five Members—Mr. Labouchere, Mr. Goulburn, Mr. Milner Gibson, Mr. Charles Villiers, and Mr. Ewart. There were of avowed free-traders, whose opinions on this subject were not known when the Committee was formed, and who did not vote either one way or the other, with respect to the Act of 1846—many of them not having been in Parliament at that period—Mr. Cardwell, Sir Thomas Birch, Mr. Henry Hope, Mr. James Wilson, Mr. James Matheson, and Sir Edward Buxton. The resolution of the Committee, which was eventually carried, was proposed by Sir Thomas Birch, the Member for Liverpool—the free-trade Member for Liverpool. And I appeal to the Secretary to the Treasury whether Sir Thomas Birch was not the Gentleman regarding whom, between him and me, there was the greatest struggle whether he was to be put on the Committee or not; and whether it was not by the special desire of the Secretary of the Treasury, speaking on behalf of the Government, that Sir Thomas Birch was ultimately placed on the Committee? The only other Gentleman on the Committee was a Gentleman who had not been in Parliament before, and whose opinions on this question had never been tested in any way, or in any speech in the House or out of the House—I mean Lord George Manners. Nor, Sir, I have stated fairly the composition of the Committee; and I appeal to every Gentleman in the House, under these circumstances—there being on that Committee of fifteen Gentlemen but three Gentlemen whose opinions were known on the subject of the Act of 1846, as having voted against that Act, and only one other Gentleman on the whole Committee who was supposed to favour the opinions of the Chairman—whether there ever was a Committee more fairly constituted, and whose judgment and whose decision, if it should prove, as it eventually did prove, in favour of the resolution which has now been moved by my hon. Friend the Member for Droitwich, was better entitled to the respect of this House and of the country, as the opinion of a Committee impartially formed and constituted. But certainly, if there was a bearing and a bias on the part of the Committee when appointed, that bias was altogether against the West Indian and the sugar-planting interests, and in favour of the opinions of the noble Lord at the head of the Government.

Mr. CARDWELL, in the absence of his right hon. Friend the Member for the University of Cambridge (Mr. Goulburn), wished to state what was the precise position of his right hon. Friend and himself on the Committee; and it was only fair that he should be allowed an opportunity of doing so, because certainly the noble Lord had not conveyed a fair impression of what their views on the Committee were. They placed on record their belief of the distress which existed in the West Indian colonies—of the causes which led to that distress—of the degree to which that distress had been aggravated by the Act of 1846—of the reasons why, in their opinion, protection was not, from its nature, a satisfactory means for the permanent improvement of the West Indian islands—and then, being invited by the Government to leave to them the selection of measures for promoting permanently the interests of the colonies, they moved an amendment to the effect that a measure of temporary protection was not to be considered as excluded; but, in the absence of any knowledge of what permanent measures the Government intended to propose, they thought that the Committee could not suggest the amount of temporary encouragement that would be necessary, and they absented themselves from the last division, when a specific measure was proposed, because they thought that, in the absence of all knowledge of what the permanent measures would be, they were not in a position to propose temporary measures. And, with their views of the manner in which the revenue might be affected by a resolution for temporary protection, they thought that they would not be justified in coming to any other conclusion.

The Committee divided on the question, as proposed by Sir John Pakington, that the duty on muscovado sugar be 10*s.* for every cwt:—Ayes 169; Noes 231: Majority 62.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Anstey, T. C.
Archdall, Capt.
Bagge, W.
Bagot, hon. W.
Baldock, E. H.
Bankes, G.
Barkly, H.
Baring, T.
Barrington, Visct.
Benbow, J.
Bennet, P.
Bentinck, Lord G.
Bentinck, Lord H.
Beresford, W.
Blackstone, W. S.
Boldero, H. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Brooke, Lord
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Buxton, Sir E. N.
Cabbell, B. B.
Carew, W. H. P.
Cayley, E. S.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R.
Codrington, Sir W.
Compton, H. C.
Conolly, Col.
Cotton, hon. W. H. S.
Courtenay, Lord
Damer, hon. Col.
Deedes, W.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncombe, hon. O.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Emlyn, Visct.
Euston, Earl of
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Fitzgerald, W. R. S.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Godson, R.
Gordon, Adm.
Gore, W. R. O.
Granby, Marq. of
Greene, T.
Grogan, E.
Haggitt, F. R.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hope, H. T.
Hotham, Lord
Hudson, G.
Hume, J.
Ingestre, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keating, R.
Knox, Col.
Law, hon. C. E.
Lennox, Lord H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Mackenzie, W. F.
Mandeville, Visct.
Mangles, R. D.
Manners, Lord C. S.
Masterman, J.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Morgan, O.
Mullings, J. R.
Mure, Col.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
O'Brien, Sir L.
Ossulston, Lord
Oswald, A.
Packe, C. W.
Palmer, R.
Pattison, J.
Pennant, hon. Col.
Plowden, W. H. C.
Powlett, Lord W.
Reid, Col.
Robinson, G.
Rufford, F.
Sandars, G.
Seymer, H. K.
Sibthorp, Col.
Smith, M. T.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stuart, H.
Stuart, J.
Sutton, J. H. M.
Taylor, T. E.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Turner, G. J.
Tyrell, Sir J. T.
Urquhart, D.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Wawn, J. T.
Welby, G. E.
Williamson, Sir H.
Willoughby, Sir H.
Wodehouse, E.
Wynn, Sir W. W.

TELLERS.

Baillie, H.
Pakington, Sir J.

List of the NOES.

Abdy, T. N.
Adair, R. A. S.
Anderson, A.
Anson, hon. Col.
Anson, Visct.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Bailey, J.
Baines, M. T.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. Capt
Berkeley, hon. C. F.
Blake, M. J.
Bouverie, hon. E. P.
Bowring, Dr.
Boyle, hon. Col.
Brand, T.
Brotherton, J.
Brown, W.
Browne, R. D.
Buller, C.
Bunbury, E. H.
Callaghan, D.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Childers, J. W.
Clay, J.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Dalrymple, Capt.
Dashwood, G. H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, W. J.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglas, Sir C. E.
Duff, G. S.
Duke, Sir J.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, J.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Ld. J. F. G.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Heathcoat, J.
Heneage, G. H. W.
Heneage, E.
Henry, A.
Herbert, H. A.
Hervey, Lord A.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hollond, R.
Howard, hon. C. W. G.

Howard, hon. J. K.
Howard, P. H.
Hughes, W. B.
Hutt, W.
Jervis, Sir J.
Keogh, W.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lincoln, Earl of
Littleton, hon. E. R.
Locke, J.
Lushington, C.
Macnamara, Maj.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Maher, N. V.
Marshall, J. G.
Martin, J.
Martin, C. W.
Martin, S.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Morpeth, Visct.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pearson, C.
Pechell, Capt.
Peel, rt. hon. Sir R.
Perfect, R.
Peto, S. M.
Pigott, F.

Pilkington, J.
Pinney, W.
Price, Sir R.
Pusey, P.
Raphael, A.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Scholefield, W.
Scrope, G. P.
Scully, F.
Seymour, Sir H.
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stuart, Lord D.
Stuart, Lord J.
Sullivan, M.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Serj.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Towneley, J.
Townshend, Capt.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Ward, H. G.
Watkins, Col.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyld, J.

TELLERS.
Hill, Lord M.
Tufnell, H.

The House resumed. Committee to sit again.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Tuesday, *July* 4, 1848.

MINUTES.] *Took the Oaths.*—The Lord Clements.

PUBLIC BILLS.—1° Prisons.

3° and passed;—Game Certificates for Killing Hares.

PETITIONS PRESENTED. From Merchants of Cork, against any Alteration in the Navigation Laws; and from the Grand Jury of the same City, for the more Efficient Support of the Medical Charities of Ireland, by an Equitable Assessment of the several Unions in Ireland.—From Lancaster and Rochdale, for the Adoption of a System of Secular Education in the County of Lancaster, to be supported by the Local Rates.—From Fortingal, and other Places, for the Rejection of the Marriage (Scotland) Bill, and the Registering Births, &c. (Scotland) Bill.—From Visiting Justices of the County Gaol of Reading, for the Adoption of Measures for the Reformation of Juvenile Offenders.—From Chairman and Members of the Committee of the Bristol Association for Improving the Public Health, in favour of the Public Health Bill.

JUVENILE OFFENDERS.

The DUKE of RICHMOND rose to present a petition of very great importance to the country, and which had reference to the very great increase of juvenile offenders. He was not one of those who thought it was impossible, by education, or in any other way, entirely to prevent a great many of those children from committing those offences for which they were so repeatedly brought before the courts of justice. Although he knew the subject was surrounded with considerable difficulty, he, for one, could not see why they should not endeavour to rescue this portion of their population from the misery they were doomed to undergo in this world, and from that fate which probably awaited them in the next. A child of about eight or nine years was sent out by his parents to plunder; he was taken and tried for stealing some toy, not worth perhaps three halfpence, and for that offence the jury was bound to find him guilty of a felony. From that time, that child had little hopes of doing any thing else but going, week after week, and month after month, before a Criminal Court, until finally he was transported, when he was perfectly hardened in every species of crime. He begged, therefore, to call the attention of the Government to this system. He certainly did not intend to proceed with any measure in reference to the subject this year; but his intention was—if the Government did not take the matter into their hands—to lay on the table, for the consideration of the country at large, a proposition for sending those children, in some cases, to reformatory institutions. He would propose that they should be sent—and paid for as they should now be paid for when they were sent to prison—for a certain period to a reformatory place, where they would have some chance of reforming them. It might be said that, by adopting this mode of proceeding, they would place the parents of guilty children in a better position than the parents of well-conducted, because they would relieve the parents of the former class from the burden of supporting them; but he saw no difficulty in having an Act of Parliament so framed that those parties should be obliged to pay a certain portion of the expense of sustaining them. No person could more plainly see than he did, the necessity of having strict discipline in their prisons; but if they wanted to stay crime in this country, they must go to the root of it. When they sent children of this description to the gaols of a great metropolis, it was impossible for them to learn there anything that could be of use to them; and although they went into the prison, comparatively speaking, guiltless, they would come out of it schooled in vice. The petition which he presented to the House was adopted at a meeting called in the city of London, and signed by many of those who attended there, including magistrates of the metropolitan county, merchants, bankers, gentlemen connected with the Philanthropic Society, and the Society of Refuge for the Destitute. When they saw what had been already done by the Philanthropic Society, there was a very cheering prospect that they might be able to extend their usefulness. In conclusion, he would remind their Lordships that this was not a party question, but one to which they might all apply their minds with a view to remedy so distressing an evil.

Lord KINNAIRD said, that the subject was one which well deserved the attention of their Lordships. Their Lordships were not perhaps aware that there were in this metropolis upwards of 100,000 children who had no education whatever; and that there were 30,000 vagrant children, who either had no parents to apply to, or who were neglected by their parents. These children would be the men and women of an after generation; and it was impossible to calculate the extent of the vice and crime to which such a state of things might lead. The plan now recommended for adoption in the petition had already been tried with success. In the town and county of Aberdeen, where some time ago the number of vagrant children was, in the town, 280, and in the county, 328; after a school had been established for one or two years, the numbers were reduced to 48 in the county, and to 14 in the town. There had, therefore, been an actual saving of expense, to say nothing of the performance of a high moral obligation. It had been calculated that the training up of these children as criminals cost from 100*l.* to 150*l.* each, while to keep one of them at school, cost at Aberdeen under 5*l.* a year, and in the metropolis 6*l.* a year. The petitioners desired that the magistrate should have the power of committing children to a reformatory school, with the penalty of a prison hanging over their heads if they left the school. He thought it quite possible, without giving undue encouragement to vice, that schools of this sort might be provided, partly by a rate, and partly by an educational fund; and that schoolmasters should also be obtained, partly by the same means, and partly by private contributions. He hoped that Her Majesty's Government would consider, during the recess, whether some measure of that sort might not be adopted.

Earl GREY admitted the importance of the question to which the petition referred, and considered it to be worthy of the attention of Her Majesty's Government. He believed their Lordships were aware that sometimes the practice was adopted of taking boys from prison, and sending them out as apprentices to Western Australia. With regard to the proposition contained in the petition, it was absolutely necessary that they should very carefully consider any measure of the kind they adopted. If they adopted this proposal, it would place the parents of guilty children in a much better position than the honest and industrious parent who took care of his children. He felt, also, that there would be extreme difficulty in making the parents liable for the support of their children; and when they were made liable, there would also be some difficulty in forcing them to pay the amount of the claim upon them.

Lord BROUGHAM called the attention of their Lordships to the opinion of the Criminal Law Commission with respect to juvenile offenders. They laboured under a strong impression that it would be advisable to punish small offenders by corporal punishment, instead of sending them to be tried for felonies. They knew there was a great objection amongst the people of this country to that punishment; but it was the unanimous opinion of the Committee that it would be much the better way of dealing with the petty offences of young offenders, for nothing was so absurd as sending a child of eight or nine years old to be tried for felony for stealing two apples.

NORTH WALES RAILWAY.

Lord MONTEAGLE, pursuant to notice, presented a petition from Henry Archer, complaining of the conduct of the directors of the North Wales Railway. The petitioner was one of the original shareholders in this line of railway, which was intended to run between Carnarvon and Bangor. The Act authorising the construction of the railway passed in 1845, and two instalments of 10 per cent were paid up by the shareholders. Soon after, a change in the direction of the company took place; and one of the first proceedings of the new direction was to lend the money of the North Wales Railway Company for the purpose of completing another railway with which the North Wales Railway had nothing to do. Many of the members of the new direction were also directors of the London and Richmond Railway Company, and to this latter company the money of the North Wales Company was lent. But, as the North Wales Railway Company were not empowered by law to lend, nor the London and Richmond Company to borrow, the course taken was not to lend the money to the London and Richmond Company in its corporate capacity, but to private individuals connected with the company on their notes of hand. After a time the Richmond Railway was made, and sold to another company. The directors of the North Wales Company, having lent the money of the company on insufficient security, and contrary to law, nevertheless thought proper, when this took place, to repeat the experiment, and they lent the money of the company to two other individuals. A shareholder applied to inspect the accounts, and after some resistance he was allowed to have access to them. Their Lordships would hardly believe in what manner those accounts were kept. He held in his hand a copy of the very account in question, and he found these entries:—"Loan to 'A' for investment, 1,500*l.*" "Loan to 'B' for ditto, 1,200*l.*" "Loan to 'C' for ditto, 4,000*l.*" "Loan to 'D' for ditto, 8,000*l.*" "Loan to 'E' for ditto, 3,000*l.*" "Loan to 'F' for ditto, 1,000*l.*" "Loan to 'G' for ditto, 1,000*l.*" In fact, the account was a cypher which explained nothing. The parties asked for an explanation as to who were represented by the letters "A," "B," "C," "D," "E," "F," and "G," but that was refused. These were the two main allegations contained in this petition, namely, first, a misapplication of the funds from the purposes for which they were intended by Parliament, from the North Wales Railway Company to the London and Richmond Railway Company; and secondly, the mode in which the accounts were kept. The answer of the directors to the latter charge related a most curious fact. They stated that this mode of keeping accounts, namely, that of putting forward an unintelligible account to be inspected by the shareholders, and keeping a private ledger for their own use, was the common course taken by other railway companies; and they justified themselves by this most extraordinary plea. He thought it behoved their Lordships and the Parliament to take notice of this matter. He should content himself at present with presenting the petition; but if the subject should be allowed altogether to drop, he conceived their Lordships would be partly making themselves accessory to a system of fraud. Of the parties he knew nothing. He had no connexion with either of the companies. The facts were admitted by both sides; and they clearly showed a departure from the law of the land, and a violation of a public trust. The prayer of the petition was that a Bill might be passed to exclude these parties from the direction, and to appoint others to carry out the railway. So important did he consider the question that he should be inclined at a future day to move for the appointment of a Select Committee to inquire into these facts, and to report upon them to the House.

Earl GRANVILLE suggested, that whether the noble Lord brought forward a Bill, or moved for a Select Committee, it would be better that he gave a formal notice of the course he intended to pursue.

Lord WHARNCLIFFE considered this to be one of the most scandalous cases that had occurred in the mismanagement of railways. He considered it to be highly incumbent on their Lordships to apply a corrective and check upon these proceedings.

Lord REDESDALE said, that unless some noble Lord should hereafter make a statement on the other side that should satisfy their Lordships, he considered this was a case in which the Legislature ought to interfere. These great bodies ought to be compelled to render accounts of their proceedings. If they concealed them from the shareholders, they could never hope to possess the confidence of the public.

The MARQUESS of LANSDOWNE said, it appeared to him to be a subject of very considerable importance. It had been said that there was a Bill pending in the other House of Parliament to facilitate the dissolution of one of these companies. He had not seen that Bill, but he thought that no such steps should be taken without first ascertaining the state of the accounts of the company, because Parliament might otherwise be sanctioning a great injustice. Their Lordships ought not to allow any facilities whatever to the parties until after a full investigation into these facts, especially after a Bill had been rejected which would have enforced a distinct and *bonâ fide* audit of all these vast budgets that were going on in the country under the direction of these companies.

LORD MONTEAGLE said, that before the Bill empowering the company to effect a dissolution reached their Lordships' House, he should move for a Select Committee to consider and report on the facts stated in the petition.

The petition laid on the table.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 4, 1848.

MINUTES.] PETITIONS PRESENTED. By Viscount Morpeth, from several Officers of the Thorne Union, West Riding of Yorkshire, for a Superannuation Fund for Poor Law Officers.—By Mr. Marshall, from the Borough of Great Yarmouth, for an Alteration of the Public Health Bill.—By Mr. Vernon Smith, from the Northamptonshire Mechanics' Institution, for Alteration of the Scientific Societies Bill.—By Sir George Clerk, from Dover, for an Alteration of the Dealers in Spirits Bill.—By Mr. Osman Ricardo, from the Borough of Worcester, for an Honest and Protective System of Parliamentary Elections.—By Dr. Bowring, and Lord Dudley Stuart, from a Number of Places, for Adoption of Universal Suffrage.—By Lord Dudley Stuart, from the Parish of St. Pancras, for Inquiry into the Bakers' Grievances.—By Mr. Colvile, from Davenport, for a Suspension of the Habeas Corpus Act (Ireland).—By Mr. C. Anstey, from Sunderland, for Redress in the Case of William Tinmouth.

INCUMBERED ESTATES (IRELAND) BILL.

On the Motion for reading the Order of the Day for the Committal of this Bill,

MR. FREWEN objected to the House proceeding with a Bill of that importance, while so many were absent attending Committees who were anxious to take part in the proceeding.

On the Order of the Day for the House to go into Committee,

SIR LUCIUS O'BRIEN trusted to the indulgence of the House while he made the Motion of which he had given notice, namely, that it be an instruction to that Committee to extend the operation of this Bill to England and Scotland; and he trusted that he should be enabled to induce the House to sanction his Motion. Before he proceeded, he could not help expressing his feelings of satisfaction at the conduct of the Lord Lieutenant of Ireland, during the season of distress, for it had been such as to command the respect of all classes; he therefore regretted that he felt it to be his duty to differ from that noble Earl and the Government, with respect to this measure. The proposition which he was about to offer to the House appeared to him to be so clear, that he felt it would be only justice if the House sanctioned it. It was constantly stated in that House, and a similar observation was made in nearly all the answers of the Lord Lieutenant to addresses, that Ireland must be considered and treated as an integral part of the empire, and that there should be a perfect identity between the laws and institutions of the two countries. It was well known that Irish lawyers had to come to this country to receive a certain portion of their professional education; and they had more than once been told that an Irish Chancellor might be called upon to give judgment in the House of Lords. Therefore, it was most desirable to make the laws of the two countries analogous. If, however, they proceeded to examine that Bill, they would find that this principle had been departed from. This Bill was laid before the House of Lords at the commencement of the Session, and after considerable delay it passed through that House; it, therefore, was but reasonable to suppose that the Bill before the House came from the House of Lords, which had had it under consideration for several months, in almost a state of perfection. But what were the facts of the case? At a late hour one night the hon. and learned Solicitor General, without any explanation, asked the House to allow the Bill to be committed for the purpose of making certain alterations, and of introducing certain clauses into it: the House assented, and the result was, an entirely new Bill fixed on the old one. Some legal gentlemen, who had seen the alterations, told him that they were utterly astonished, and they complained that the alterations were at direct variance with the chief principles of the former Bill. He, therefore, must complain of the conduct of Her Majesty's Government in this respect, and also that they had brought it forward for discussion in that House at a moment when a great part of the Irish Members were in their respective counties attending to important duties. Her Majesty's Ministers now urged the House to pass this Bill immediately, which, he contended, would alter the whole law of property in Ireland. He denied, however, that there was anything in the peculiar situation of that country to justify such a change; and it would be part of his argument to show that the financial condition of that country was not so different from that of England or Scotland as to call for a Bill of this kind. A number of deputations, composed of Irish Members, had waited on the Government with respect to this and other measures; and nothing had been left unsaid to show Her Majesty's Ministers the evils which would result from them. Such deputations had not gone unauthorised to the Government, for the greatest alarm prevailed in many parts of the country at the manner in which this Bill had been proceeded with. He would first refer to the county Clare, and read a few figures, with the view of showing what was its condition. It appeared that formerly the ordinary presentments at the assizes for that county were 15,000*l*., but this year they amounted to 56,000*l*. The grand jury thus saw the charges more than trebled, within a very short period. Indeed, the sum of 45,000*l*. was required for new presentments, making a large deduction from the property of Irish landowners. Upon his own estate the rent paid was about 10*s*. an acre. The rates in former years might be taken at 7*s*., but the charge for rates now amounted to 14*s*. This was a fair indication of what prevailed there. He was on the Continent at the commencement of the famine, but he immediately returned, and took an active part in the relief committees. He made it a rule to attend every meeting of magistrates, and day after day he went to the different sessions, and he had exerted himself to keep down extravagance in the expenditure of the relief and labour funds; but the effort of an individual was perfectly powerless. Seven or eight other magistrates exerted themselves to the utmost for the same purpose. No one who had not been in the midst of famine could judge of the excitement and fears constantly engendered. It was very easy to reason upon such a subject in a chamber; but the question of practically dealing with it was a most difficult problem to solve. It was not the fault of the Government alone that there was so much confusion and extravagance, for he gave Her Majesty's Ministers every credit for the exertions they made in endeavouring to meet the famine. The fact, however, was, the Acts of Parliament passed for the relief of the famine were so much hurried through the Legislature as to be full of errors. The Labour-rate Bill was false in principle, and had been productive of much mischief. He believed, after the experience they had had of the operation of that measure, no Government would ever venture to propose again a Labour-rate Act. He contended, that every farthing advanced by the Government under that Act ought to be cancelled, and more especially as to the western counties in Ireland. The whole of the labour-rate was administered, under a state of famine, in a most objectionable way. If, however, that measure, or some other, had not passed at the period at which it did, thousands upon thousands more of the peasantry would have perished beyond the number which actually did perish. The advances made under that Act were to be repaid in two instalments; and although the Government and the Parliament had very liberally cancelled one-half of the sum granted, still the effect of these charges had been such as to double the rates. He would refer the House to the charges under the Labour-rate Act in the counties of Clare, Cork, Galway, and Limerick, where the rates had increased to a very alarming degree. In Clare, the charge for repayment made at each assizes was 14,000*l*., in Cork, 16,000*l*., in Galway, 11,000*l*., and in Limerick, 11,500*l*. Then, again, with regard to outdoor relief, which under the pressure of famine they were obliged to adopt, the effect had been such as to render the condition of the county of Clare most disastrous. In that county they were spending 11,000*l*. a month, or 132,000*l*. on the poor-rates alone. If the House considered the pressure which these rates must occasion on the population, they could conceive what difficulties the landed proprietary had to contend with. It must be recollected, that the payment of the poor-rates was imperative, and that the payment under the labour-rate was also imperative. The state of distress, and the privations the people had been exposed to, had been productive of most disastrous effects to the population of the country;

and above all, to the younger part of it, for children four or five years old were so shrivelled up that they did not appear to be more than one or two years old. With respect to the Bill before the House, if this measure was good for the Irish landlords for the purpose of relieving them, it was equally so for the English landlords. If the measure was good, let them have it on both sides of the Channel; but if it was a bad one, why force it forward? He was convinced the measure would be productive of much mischief. If they passed a measure to compel the landholders of Ireland to deal with their estates under such an Act, they would inflict a great injustice. He recommended the right hon. Gentleman to withdraw this Bill for the present year, or so to modify it as to make it a boon to Ireland. He was sure it was not the wish of the Government to oppress the landlords; but they were now endeavouring to force a Bill through Parliament which would shake the foundation of property, and expose Irish landlords to every annoyance to which creditors could expose them. It might be said that this measure should pass in justice to creditors. He denied it, for the mortgagees of estates in Ireland had been for years receiving a much higher rate of interest than the same class of persons received in this country. He did not think, also, that this class of creditors, who had money invested on the security of Irish property, were in such a condition as to call for such a measure. There might be individual cases of hardship on creditors; but even if there were such cases, remedies existed under the present law, by which the property of the creditors would be effectively protected. Some of the clauses in this Bill involved most important constitutional principles. Under some of its provisions they proceeded to restate the law of entail. He did not say, whether the law of entail was right or wrong; but still it was the law of the land, and under it the landed gentry were enabled to keep up their station, and upon them the monarchy itself rested. The House, then, was asked to do away with this law without regard to the past, or without notice of the constitutional matter involved. Under the 30th Clause of this Bill, a tenant for life might sell the whole of an ancient family domain without consulting the person who was to succeed him in the possession of the property. The clause gave such a person the power of placing the money derived from such sale in the Bank of Ireland, and he might draw as much as he pleased from it. Suppose, for instance, the case of an estate worth 200,000*l.* in the possession of a tenant for life who owed 5,000*l.* or even 1,000*l.*—he might sell this estate under the provisions of this Bill. Thus an ancient family mansion, which might have cost 50,000*l.* in its erection, might be sold for 2,000*l.* or 3,000*l.* This person's successor might find a certain sum of money lodged for him in the Bank of Ireland, instead of succeeding to an estate of which he was the heir. Under such circumstances, he most strongly objected to give such power to any person. Again, under the third clause, any person having an encumbrance on an estate might force it into the market, and sell it at a most ruinous loss to the owner. Many of these estates were in the character of royalties, and it was most objectionable to get rid of them in such a way. He therefore called upon Her Majesty's Government to pause before it proceeded further in thus dealing with such a large amount of property. If the measure was for ill or good, surely it was only fair and just that it should be equally applied to all parts of the United Kingdom, instead of its operation being confined to Ireland. As the Bill stood, a property might be sold, however much below its value the amount offered might be. He had heard many observations since he had been a Member of that House about the landlords of Ireland, which he could only regard as gross calumnies on that much-abused class. A more kind or able body of men did not exist; and no men could be better adapted for public or private business, or for the management of their own affairs. Much had been said in that House of acts of oppression perpetrated by landlords. As an answer to this he would mention the subject of a recent conversation which he had had with the assistant barrister of the county in which he resided. When he asked that learned gentleman whether he had frequent instances of oppression on the part of landlords brought before him; the reply was, that although he had resided twenty years in the county, he did not at that time recollect more than one case of the kind. With respect to cases of ejectment, he must plainly state, that the legislation of that House for some years past had tended to force landlords to eject the smaller tenants for non-payment of rent. For some years past that legislation had had a tendency to oblige the landlords of Ireland to force their tenants out of their possessions. The operation of the Quarter-Acre Clause had forced a great number of landlords, in self-defence, to get quit of their tenants. He had himself to pay 100*l.* for tenants who had not paid him a farthing of rent. He spoke from practical knowledge. Then, if landlords were compelled to eject their tenants, they must immediately pull down the house which the tenant had occupied when they had got the tenant out of it; for if the tenant so ejected went and took possession of the house again, the landlord, unless he used violence, must obtain a fresh ejectment. There was no other remedy than to pull down the house. That was the fault of the legislation which had been going on for years. If Parliament wished to prevent the landlords from doing these harsh things, and to save the tenants from being subjected to such proceedings, the course of legislation must be changed, and the law simplified. He might state another difficulty which existed in dealing with small tenants in Ireland. If he built a house in a village, and put a man into it to live there comfortably, it might be two or three years before he got that house again into his possession, though the tenant would pay no rent. Three or four years would elapse before one could get quit of the pauper; instead of a nice comfortable cottage such as it was at first, the cottage came back in a very different condition; and, were such a case to occur on his property, in this House he should have his fair name tarnished. Until adequate power were given to the landlords in such cases, the country would continue to present such barbarous scenes as it now exhibited. He begged to move—

"That it be an instruction to the Committee on the Encumbered Estates (Ireland) Bill to extend its operation to England and Scotland."

The SOLICITOR GENERAL was anxious to explain what were the real objects of the Bill before the House, which it was clear were not understood by the hon. Baronet, nor were its provisions duly appreciated by him. In the first place, he wished for one moment to make allusion to the complaint of the hon. Baronet as to the introduction of certain clauses in the Bill at a former stage of its progress, without explanation. He was sure, when the circumstances were explained, no censure could be passed on the Government for having introduced these clauses into the Bill. When this was done at a very late hour of the night, he was anxious to enter into some explanation, but he was prevented from doing so; he therefore proposed that the House should go into Committee *pro formâ*, so as to enable him to introduce a number of new clauses; and the reason why he did so was, that he was anxious that the House should have the Bill before them in as perfect a state as possible previous to the discussion. The object of the Bill—which must be admitted was of very great importance—was to make land in Ireland a marketable commodity, which it was not now, or only to a very small extent. From the peculiar situation of that country, as it appeared from returns laid before the House during the time of the greatest distress in Ireland, capital was constantly coming from thence to be invested in landed property in this country. It was admitted, also, by all the witnesses examined before several Commissions, as well as Committees of that and the other House, that if land in Ireland could be sold in reasonable or small pieces, abundance of capital would be expended in the purchase of it, and that such a circumstance must be attended with the most beneficial results. To effect that was the object of the Bill; and he had not heard any person say that it was not most desirable. The House should recollect how different the tenure of property was in Ireland from what it was in this country. There were two systems of registration of landed property and of deeds connected with it in Ireland. The one was under an Act of Parliament, by which it was enacted that all incumbrances on land should be registered. That description of registration was most effective, and was similar to a system which prevailed in parts of England, by which parties could learn the nature of such incumbrances. The former was simply giving the name of the parties owning the land, and stating that on such or such a day certain persons made advances of a certain amount on the security of the land. Now, there was a peculiarity in Ireland which did not exist in England. In the former country, there were two simultaneous rolls; and one of these must be examined in order to discover all the various incumbrances which affected the land in the registry of deeds, and the other in order to ascertain all those which affected it in the shape of judgment and Crown debts. In all cases, priority was regulated by dates. The effect of this was, that the possession of title-deeds, and of what was called the legal estate, was a matter of very little importance in Ireland, because an incumbrance had priority over everything subsequent to it in point of date. In this country, a very different law prevailed. When a man had advanced his money *bonâ fide,* without any knowledge of a previous advance, by getting what was technically called the legal estate, he might gain priority over all persons who had advanced money previously, and thereupon he became the first incumbrancer. No person, in fact, would advance any considerable sum of money without having the legal estate conveyed to him; and the effect of the system was, that whenever sums of money considerable in amount were advanced in England, the first incumbrancer who had got the legal estate was paid off, in order to obtain the conveyance. This prevented the accumulation of old incumbrances. The operation of the system in Ireland was exactly the opposite of what he had just described. It was not an uncommon thing for English lawyers familiar with conveyancing to see, in the case of Irish titles, an incumbrance one hundred years old; and not only so, but the incumbrance had often been the subject of family settlement for almost the same period. There was, in consequence, one estate settled within another, very often including three or four separate incumbrances one after another, all involved in the same estate. Here was a piece of land with three or four different sets of incumbrances going on simultaneously, settled for the benefit of different families, while the original estate was settled in another way for the benefit of the owner—a thing that was never seen in this country. It was unnecessary for him to do more than explain the peculiar, and at present unavoidable, complication which existed in the case of Irish titles. The same thing, in effect, occurred in the case of judgments as in that of incumbrances. The usual mode of giving an abstract of title was, in the first instance, by reciting the title of the person originally seised in fee, and then of all subsequent incumbrances. Even if an incumbrance had been paid off, that did not create an exception; in that case, it was equally necessary to show what had become of the incumbrance. From this cause arose a most singular complication in every attempt to make a sale of land in Ireland, because as soon as you attempted to make a sale of any property, you must show either that the incumbrances were satisfied, or that the persons in whom they were vested were prepared to convey their interest to you. Hence sales of land in Ireland were most embarrassing, and the expenses attending them very great. The operation of tracing out all the incumbrances was a very difficult one; and proportionably great was the expense of getting so many incumbrancers to convey their interest. Now, it naturally occurred to the persons to whom the Government entrusted the duty of preparing these Bills, that the best mode of dealing with the matter would be, as far as possible, to enable parties to sell the land, and to substitute money for it, giving to the money all the incidents of the land, and subjecting it to all the incumbrances by which the land was affected. Hon. Gentlemen were aware that there was a peculiar doctrine of the Court of Chancery, by which in various cases money was treated like land. The effect of fixing the money thus raised with the incumbrances, would be to set the land perfectly free for the purposes of commerce; and if the proper price were obtained for it, both the incumbrancer and the owner would be in exactly the same relative position as they were before. The nominal owner of land was the person on whom was really thrown, at present, the burden of every species of improvement, and who was considered bound to protect his tenant; but, in point of fact, the existence of incumbrances opposed a barrier to the attainment of that object. If this could be really attained, it would lead to the most beneficial results; but of course its attainment should be sought consistently with the due preservation of the rights of all parties concerned. Now, it had occurred to the framers of the Bill that it might be done in two ways. In the first case, there might be a compulsory sale. A person might present a petition to the Court of Chancery, saying, "I require this land to be sold," and the court might then determine whether it should be sold or not. Accordingly, in the first part of this Bill there were a great many provisions inserted, with a view to the effecting a compulsory sale of land, under the authority of the Court of Chancery. The mode in which it was proposed to secure that object was this. Having got rid of the expensive forms of bills and answers, and having enabled the Court of Chancery to deal with the matter on summary application, the Bill then proceeded to provide for a reference to the master to ascertain what really were the incumbrances on the land, and what were the rights and interests of the several parties affected; and the incumbrances having been ascertained, together with their priority, the sale was to take place, and the money to be subsequently divided amongst the persons who were entitled to it. It was proposed to give what was commonly called a Parliamentary title to the party who had bought—that is to say, the person who purchased under the authority of the Court of Chancery, which had to investigate the rights of the various parties interested, was to receive an indefeasible title as against the whole world. That was an advantage of the most important description. All the difficulties connected with the two registries of deeds and judgments would thus be swept away. He had omitted to mention one great source of complication and difficulty as regarded titles in Ireland. There was an Act in operation in that country the effect of which was, that the whole of these registry judgments and deeds were assignable at law, and a party buying up a judgment was in the same position as a party who had a mortgage on the land. He would now shortly explain the difference between the Bill as it was prepared last year, and the Bill as it had come down from the House of Lords in the present year. It was felt by a great many persons who took an interest in the matter—and the Government shared in the feeling—that a great impediment would arise from the Bill, on account of the necessity of engaging in what might prove very long and complicated Chancery suits. It was true that the Bill provided that there should not be bills and answers, and the ordinary pleadings; but every person who was conversant with proceedings in equity, must be well aware that no practical suits in the Court of Chancery were more expensive or more dilatory than those instituted to ascertain the rights of incumbrancers, and the amounts and priority of incumbrances. The great expense of such suits arose from the proceedings in the master's office. As the Bill stood originally, therefore, great numbers of persons would, it was feared, have been prevented, under its operation, from going to the Court of Chancery, by the apprehension that the produce of the sale of the estate would be so diminished by the costs of the application, that in the result the boon would prove to have been hardly worth accepting. It occurred, however, to Her Majesty's Government, that this principle might be carried a step further—that a course might be adopted similar to that which had been followed under several Acts in this country—that property might be sold by consent, and that consent might be assumed in all cases where persons, after receiving proper notice of the intention to sell, did not interfere to prevent the sale. Therefore the subsequent clauses of the Bill were framed with this view—that, in cases in which all the persons interested in an estate were of opinion that it was for their advantage that that estate should be sold, thereupon the estate should be sold, without the authority of the Court of Chancery; but it was provided that all persons who had any interest should have that interest secured by the adoption of the same course with respect to this last mode of proceeding as was to be pursued with respect to the former—that is to say, the money was to be brought into the Court of Chancery to represent the land, although the sale had taken place independently of that court, and the court would have to deal with the money afterwards. With respect to this last part of the Government plan, there were undoubtedly a great number of contingencies to be provided for, and of difficulties to be met. In the first place, it was necessary that all persons interested should have proper notice. In the next place, it was of course desirable to provide against fraudulent sales. The House would understand that the tenant for life could not sell the property away from the person who was entitled to the reversion, unless there was an incumbrance affecting the whole estate. Of course it was desirable that the tenant for life should not be allowed to create an incumbrance and then sell the whole estate; and the House would find that case provided for by the third section. With respect to the sale, the next point was to give the owner the power of selling in cases where there were incumbrances, for the purpose of discharging them. Before noticing the objections to this part of the Bill, he would observe, with respect to incumbrances, that it was provided that if the owner would not sell, the incumbrancer, after giving him notice, might do so; and that if the second incumbrancer would not sell, the third might; and so on through the whole set of incumbrances. Now, having heard several objections urged against this part of the Bill, he asked the House to bear in mind that at present any incumbrancer could sell an estate in Ireland by means of a suit in the Court of Chancery. He knew, indeed, that on that subject a question had been raised under the Bill for the abolition of mesne process, upon which a different construction had been put in Ireland from that which prevailed in England. But he would assume that every person could by means of a suit sell an estate if he liked. Undoubtedly, the sale might take place in the majority of cases, and he believed it might in every case. It had been objected that under the Bill there would at least be great delay, and that it might be two years before a party could compel a sale. It must, however, be borne in mind that the whole costs of the suit would fall on the estate; and it could not be thought desirable to force parties into an expensive litigation when there was no doubt as to their legal rights. Now, on the subject of notices he would observe, that in this country it was almost the invariable rule o give the mortgagee a power of sale without applying to the Court of Chancery, or giving notice to any one. By the Bill it was proposed that the fullest notice should be given to all the parties interested, in order to prevent anything like a fraudulent sale. In the first place, the register might be searched. There was in Ireland what was called the negative certificate, which was a certificate from the registrar that he had searched the registry, and that the list of incumbrances given included all that were contained in it. This, however, was a very expensive process, the registrar being entitled to certain heavy fees for every document which he specified in his list. Solicitors were to be empowered to make the search, and the expense would be greatly diminished. The notices were to be published on the church, the chapel, and the workhouse. It had also been suggested, that in addition to that, all persons should be enabled to enter a caveat in the Court of Chancery, specifying the place where they wished to be served. A discretion was given to the Lord Chancellor in certain cases. He thought it would be found that ample provision had been made against any improper or fraudulent sale. It was further proposed to provide against the possibility of fraudulent sales, by not allowing the Parliamentary title to be complete until five years had elapsed from the period of the sale. The operation of the conveyance after the sale would be the same as if the various persons who had the incumbrances had joined in the transfer. He thought the Bill provided great checks against every species of fraud. What was there, then, to prevent any person in Ireland, who happened to be in possession of an estate of which he was not the real owner, from selling that estate? He had only to make out his title, and if he did that to the satisfaction of the Court of Chancery, the purchaser was bound to accept it. It was a fact, however, that a man scarcely ever sold landed property which did not properly belong to him, except when he was not aware of the flaw in his title; and it was also true that the Court of Chancery might compel a party to take a title which, in point of fact, was not a good one, if, upon all the information which the court possessed, it appeared to be good. Any person not specified in the notice might, within five years, take proceedings to set aside the sale, for it was not till the expiration of that period that the Parliamentary title could be complete. Another great security against fraud was this. It was difficult to understand under what circumstances it could be any person's interest to commit a fraud. In the first place, there were clauses in the Bill having reference to errors and irregularities in the service of the notices, which would be best dealt with in Committee. But the House was well aware that, if there were a fraudulent or collusive sale, it would vitiate the whole proceeding—that the whole thing would be void as against any party concerned. A collusive sale, for example, would be altogether bad, and might be set aside. The provision with respect to the Parliamentary title appeared to him very advantageous: it wiped off all the difficulties with respect to prior registry, and at the expiration of five years the purchaser had a good title. There was an analogy to it in the English law, by which titles were acquired through the mere lapse of time, and that provision of the law was justified on public grounds. The provisions for sale by the owner appeared to him the most important part of the Bill. If the first incumbrancer sold, his object might be to sell only so much of the estate as would be beneficial to himself; but the first right of selling was given to the owner, and he thought that in every case in which a sale was made, it would be the owner who would exercise the power. Knowing that if he himself did not sell, the incumbrancer would insist upon doing so, the owner would say, "I will manage the sale myself." No person had a clearer or more direct interest than the owner in obtaining the largest possible price. He could not conceive a case of fraudulent collusive sale, or one in which it would not be the owner's interest to get the largest amount, and to make the estate as available as possible. Of this he felt certain, that one effect of the Bill would be to enable the owner to sell his property for a much higher price than he could have done independently of its provisions, and that the Bill would be a very great boon to the landowners of Ireland in that respect. Now, it had been suggested that a person out of spite might sell an old family estate for the mere purpose of injuring the party who was to come after him. Such a case was undoubtedly possible, but he did not think it was probable; and if it arose, an application might be made to the Court of Chancery to stop the sale, on the ground that it was not necessary. [An Hon. MEMBER: There is the case of a minor.] He admitted that that case required consideration. Any person might apply to the Court of Chancery on behalf of a minor, either in England or in Ireland, and the sale might be stopped if likely to be injurious. He did not think it probable that any person would desire to sell for the purpose of injuring his own child; but even if that case arose, any person might apply, and notice might be served. The case of persons who were abroad appeared to him one of greater importance, and on that account he would suggest that a clause should be added in Committee, giving liberty to enter a caveat, in order that the party interested might receive notice of an intention to sell, and have it in his power to take the necessary steps for preventing a sale. He must also confess that he did not understand the possibility of committing fraud in cases in which nobody could get the purchase money except under the order of the court. He could easily understand that two persons might commit a fraud when they were to have control over a certain sum of money, but not when that sum could only be obtained by application to the court. It might be said that two attorneys would join in a false affidavit; but, in point of fact, such cases hardly ever occurred. In this case there was, in fact, much greater security against fraud than existed in this country, where two trustees had the option of selling whenever they pleased. There had been a variety of other objections urged, but he had not heard any one offer this objection, that the Bill would not effect the object of making land marketable in Ireland. On the contrary, the great objection constantly raised was, that the Bill would be too operative, that it would throw a great amount of land into the market at once, and that great evils would arise from that source. He thought that was a case which might be left to itself. It was ordinarily found that where there was a great supply of any one commodity, persons who dealt in it held back until a more convenient time arrived for selling. The quantity of land which could be sold under the Bill was, of course, limited; and even if the Bill were as operative as he believed it would be, it would be some years before the whole of the land to which it applied would be sold. He did not recollect any more material objections to which it was necessary for him to refer on that occasion. He was satisfied that the Bill would not bring forward sellers who had defective titles. Persons who had defective titles usually remained as quiet as possible, knowing that time alone could give them a good title. Now, he expected considerable opposition from a body of gentlemen to whom he owed the greatest possible respect, namely, the members of his own profession. This was a Bill which would necessarily shock the legal profession, taking the matter, as it did, entirely out of their hands. No one would understand him as making the slightest charge of any description against that profession; for, if he did so, he should, in degree, be preferring a charge against himself; he referred only to the feelings which necessarily belonged to persons who had long been engaged in any particular profession. It was hardly possible to find a lawyer who did not feel that he had a sort of vested interest in every man's estate. He believed that one effect of the Bill would be to diminish the expenses and evils arising from Chancery suits, and the appointment of receivers under whom, with a property the rental of which was 750,000*l.* per annum, arrears amounting to 30,000*l.* or 40,000*l.*, had increased from 300,000*l.* to 400,000*l.*; and while 20,000*l.* had been expended in costs, only 2,000*l.* had been employed in improvements. This Bill would tend to put an end to the system of receivers in Ireland; and the estate when sold would give a fresh and a free title. One of the strongest feelings which pervaded the minds of men almost throughout the world was the desire of possessing land; and it was curious to observe the relative effect of the present system in Ireland as regarded ownership. The owners of land in Ireland were not estimated at more than 8,000, whereas in this country the number exceeded 200,000. As regarded opposition, he had felt that whatever Bill might be introduced, the Government would necessarily be placed in this dilemma—either it would be said that this Bill did nothing, or else it would be urged that it opened the door to fraud, and enabled parties who were so disposed to sell another man's estate. He had, however, endeavoured to meet both those objections. They might rely upon it that if the man sold whose interest it was to sell, the best price would be obtained, and the best results would follow. Of course this Bill did not interfere with the various other measures for the relief of Ireland. It had been thought desirable to confine it to its proper subject, and not to incorporate with it anything affecting the relations of landlord and tenant. There was, he believed, a very large amount of capital throughout these islands which was seeking investment; and he hoped the effect of the Bill would be to cause a great influx of capital into Ireland. That alone would be a great means of securing employment for the population of that country, and improving their general condition. As regarded the parties more immediately interested, the money would represent the land, and it would be there for all persons who could make out a claim. The question had been raised whether it would not be well to prevent the money from going out of the Court of Chancery for thirty years, except with the consent of the purchaser. The great evil of having such a provision would be that then the purchaser would never look into the title, and thus the proposed investigation would be prevented, and other disadvantages would be incurred. Such were the principles and the objects of the Bill. He felt quite sure that the desire of the House was to render the Bill as efficient as possible for its object, and the Government would be most happy to receive any suggestions and hints for its improvement. The great object of the Bill was to render incumbered land marketable; and he hoped that, in arriving at the attainment of that object, it would be found that objections on account of possible fraud, and on other grounds, had been carefully guarded against.

Mr. NAPIER would not attempt to reply on behalf of the legal profession; but as a Member of that House he hoped that due respect would be paid to the rights of property. Since the Bill left the House of Lords, where it received the sanction of the Lord Chancellor and various learned personages, it had acquired an entirely new character, and it was on that new character the House was asked to pronounce an opinion. Ample protection was given by the Bill to the incumbrancer; but what protection, he would ask, was given to persons claiming in remainder under a family settlement? The condition of Ireland could, in fact, only be improved by a gradual process. It was a great error to imagine that they could correct by the legislation of a Session evils which had been growing for a century. If this Bill passed, when the provisions under family settlements relating to the remainderman came into force, it would be found that the property had been sold at a depreciated value; and, if there had been fraud, the only remedy would be a suit in equity. With respect to the new clauses, he must say that a more ruinous piece of legislation he could not imagine. It was said of the learned Solicitor General that an entirely new principle was engrafted in that Bill since it was sent down from the other House, and that that principle was a boon to the landlords of Ireland. What was that boon? In the first place, the owner had the option of selling, but he might sell without the order of the court; and afterwards any incumbrancer, if not paid after notice, might sell, unless there was a foreclosure suit pending. But when they spoke of a Parliamentary title, could any thing be more monstrous, unrighteous, or unjust, than to give a title under this Act? The sale might not be under the control of the court; it was to take place after a notice in the *Dublin Gazette*, which nobody read, and the party entitled to the property might be an absentee, an infant, or even an unborn child; whilst upon lodging the purchase-money in the Court of Chancery the conveyance might be executed, and by that conveyance every person claiming in remainder would be bound. By the Bill as it now stood, every judgment creditor would have the power of selling the land, and the consequences would be ruinous to the landed interest of Ireland. This was a dangerous interference with the rights of property, which could only be justified by a case of great public necessity; and even then it ought to be made only with the greatest caution and circumspection. The 50th Clause, which provided for the repayment of purchase money to parties proving to the satisfaction of the court that they had a better title to the estate sold, showed that frauds and irregularities were anticipated. Before the House set the seal of its sanction and approval to the Act, if it were not extensively altered and modified, he said advisedly that it would prove ruinous to the landed interests of Ireland, and fatal to the prosperity of that country. And when it was said that the power of proceeding by petition was a great boon to the landlords, because it would be so cheap, convenient, and prompt a mode, he had the highest authority for stating that, however great the expense and vexatious the delay in this respect might be in England, yet that the rules of the Court of Chancery had been so improved in Ireland as to render proceedings by bill cheaper and more convenient than by petition under this Act. Proceeding by petition might put fees into the pockets of certain bodies; but it would assuredly be of no benefit to the landlords of Ireland. He granted that the rights of incumbrancers would be protected by this measure; and he did not object to that in one sense, because when they had to deal with private rights, it was their duty to do the utmost to secure all parties. The Bill took care that the interests of the monied incumbrancer should be protected, as also those of the tenant for life; but it allowed the rights of persons claiming under the limitation of a sacred family settlement to be destroyed or extinguished. The rights of persons claiming on remainder, who might be absent from the country, or be of very tender years, would be overlooked and sacrificed by the measure. And yet this was said to be a boon to the landlords of Ireland! Certainly, if they accepted such a boon, they would richly deserve any fate that might hereafter befall them.

Mr. W. MONSELL said, that, as the morning sitting had very nearly come to a conclusion, he would not trespass long upon the patience of the House; but he must observe that he thought it would be exceedingly unfortunate if it should go forth to the country that any considerable number of the Irish Members coincided with the views of the hon. Baronet the Member for Clare (Sir L. O'Brien), and of the hon. and learned Member for the University of Dublin (Mr. Napier), for whose opinions he (Mr. Monsell) generally entertained the highest respect, but with which, so far as the subject now before the House was concerned, he was compelled completely to differ. The simple question which the House had to consider was, were they prepared to say that, in order to prevent the fraud which the hon. and learned Gentleman the Solicitor General had shown would, under the operation of this measure, be almost impossible to be perpetrated, they would doom the landlords of Ireland and tenants for life, who, as his (Mr. Monsell's) hon. and learned Friend (Mr. Napier) had said, had only moral duties to perform, to a position in which it was utterly impossible for them ever to discharge those duties? Would they doom 2,000 occupants of estates in Ireland, which were either in the Court of Chancery or were deeply encumbered, to remain in the miserable and hopeless condition in which they were now placed? There was no condition so wretched or miserable as that of those tenants in Ireland who occupied heavily-encumbered estates; and he really thought, when hon. Gentlemen reflected upon what the state of those tenants actually was, they would pause before they listened to any suggestions to throw out a Bill which offered the only hope of relief that could be held out to such tenants. He thought that every reasonable man who looked at the social condition of Ireland, must be fully convinced of this, that though the *onus probandi* might be fairly imposed upon those who sought for a change with regard to any other country, yet, in the case of Ireland, owing to the peculiar circumstances in which she was placed, that onus must rest upon those who wished to preserve there a system which had led to so much misery, and which must, he believed, unless it were changed fundamentally, lead to a not bloodless revolution. The hon. and learned Solicitor General had, he thought, stated that somewhere about three quarters of a million of rental in Ireland was placed in the hands of the courts; and he (Mr. Monsell) might read to the House the testimony of an impartial witness as to the state of the occupiers of property situated under the Court of Chancery. Mr. Rooth, a gentleman of great experience in such matters, and whose opinion deserved to have much weight attached to it, stated that in very many cases where encumbered estates had fallen under the management of the law courts, the district usually rather resembled one that had been plundered by an enemy, than a locality under an enlightened Government, and in a country that had long been exempt from the calamities of war. The obstruction offered from these causes to the development of the natural capabilities of the country, was so general in Ireland, that the beholder might imagine they were created by the perverse ingenuity of parties who had obtained the legal control of the real property, for the express purpose of devising such difficulties and entanglements as would effectually prevent the general prosperity of the country. Now, if the position of the occupiers of the soil on property actually under the courts was so bad as he had described, what, he would beg the House to reflect, must be the condition of the occupiers on estates which were now trembling on the very verge of the courts? In view of these things, was it not manifestly for the interest of the country at large—of every class of tenants and landlords—that the Legislature should interpose to deliver their fellow-countrymen from so miserable a condition? His hon. and learned Friend (Mr. Napier) had said that nothing could justify a Bill of this sort except an overwhelming necessity. Now, he wished to know what his hon. and learned Friend would call an overwhelming necessity? Where was there a case of overwhelming necessity in the world, if the deplorable state of things to which he (Mr. Monsell) had adverted did not constitute one? Misery and ruin had been inflicted upon vast multitudes by the present vicious state of the law. Of course it was absolutely necessary that the rights of property should be conserved, and also that the rights of remainder-men should be looked into; but if he asked the House the question whether it were prepared to sacrifice the interests of the living to the wishes of the dead, or even to the interests of posterity, he felt sure that it would hardly give an answer that would tell against this Bill. And now, what were the rights—the reasonable rights—of property which would be unduly interfered with or injured by this Bill? One great objection taken to it was, that it would enable the owner to sell an estate to the prejudice of the remainder-man. Now he (Mr. Monsell) wished to know what interest he could serve in doing this? What could the owner do with the money gained by the sale? Would he get the money into his own hands? Not at all. It must be placed in the Court of Chancery, or the Bank of Ireland, or some other place where he would get only a small rate of interest, and be thereby the loser. He would not be able to touch a single penny of the money. He (Mr. Monsell) would defy all the ingenuity of his hon. and learned Friend (Mr. Napier) to show how the owner could possibly derive any advantage by selling, to the detriment of the remainder-man. Another objection to the Bill was, that it would allow any incumbrancer to sell the estate. Now he was ignorant of law, but he believed that every incumbrancer at the present moment had the right to sell the estate. He (Mr. Monsell) certainly believed (and the hon. and learned Solicitor General bore out the assumption) that every incumbrancer possessed such a right; and all that that Bill proposed was, to enable him to exercise that right in an expeditious and inexpensive manner, which must otherwise be a very expensive and dilatory process. He, therefore, did not think this was a valid objection to the measure. But there was, he confessed, one objection which had been offered, that he regarded as not unfounded. It did not appear to him that the Bill took sufficient care that all the sales under this Bill should be *bonâ fide*, or that the largest amount should be obtained for the purchase that the property would possibly fetch in the market. These were points which he thought well worthy the consideration of the hon. and learned Solicitor General, and he trusted he would direct his attention to them. There was another hint which he would throw out, but with the greatest diffidence, as it concerned a purely legal question. He did not think that the Bill went so far as it might have gone, in splitting estates into small portions. The House was perfectly well aware how desirable it was that there should be the greatest possible amount of competition, and the greatest number of purchasers, in the market; and he certainly did not consider the measure would effect these objects so effectually as it might. He could not conclude without entreating the House to hesitate before it rejected or interfered with the stringency of a Bill so absolutely essential to the well-being of Ireland—so absolutely essential to bring about that amelioration of the social condition of that country which could only result from the nominal proprietors of the land becoming its real proprietors. He asked them to consider the axiom recognised by almost every philosopher of celebrity who had written upon such subjects, that crime was always caused, in a great degree, by the particular circumstances under which the persons committing it were placed; and he thought it had been observed by an eminent man, that the budget of crime came as regularly round as the budget of the Chancellor of the Exchequer; and more so, perhaps, so far as this year was concerned. He urged upon the House to determine to carry this Bill with all convenient speed, not to refuse to listen to all reasonable suggestions recommending additional securities where these were necessary, but rigidly to withhold its assent from any proposals for impairing its stringency or efficiency.

Debate adjourned.

LEGAL EDUCATION.

Mr. G. A. HAMILTON said, he had given notice of two questions which he was desirous of asking the Attorney General upon subjects of considerable importance. The first related to the present defective state of legal education. The House would recollect that a Select Committee, presided over by Mr. Wyse, sat upon this subject for a period of three months in the Session of 1846. They examined the highest authorities connected with the universities and the legal profession, and the result was, a very able report prepared by Mr. Wyse, containing a number of recommendations for the improvement of legal education. One of these recommendations was, that delegates be invited to meet from the inns of court in this country, from the King's inns, Dublin, and from the society of solicitors, Dublin, and that communication be had with the universities on the subject. The question he had to ask was, whether any steps had been taken by Her Majesty's Government, or by the inns of court, or the King's inns, Dublin, to give effect to any of the recommendations with respect to the improvement of legal education contained in the report of the Select Committee, presented 25th August, 1846?

The ATTORNEY GENERAL stated that Government had no authority to interfere in the matter. It rested in a great degree with the inns of court; but many of the recommendations of the Committee would require to be effected by legislation. Before or during the inquiry before the Committee, some of the inns of court here had established lectureships at a considerable expense, and there had been conferences of the different inns with the view of arranging some uniform system of education and admission to the bar. He was unable to state whether anything had been done by the King's inns, Dublin.

Mr. HAMILTON said, the second question of which he had given notice related to the position of Irish barristers in England and English barristers in Ireland, with regard to practice. The hon. and learned Gentleman was aware that by the Vice Chancellor's Court Act, the 5th Victoria, it was enacted that in the construction of that and every other Act passed previously, relating to the appointment or nomination to any office or employment, the word barrister shall mean a barrister called to the bar either in England or Ireland, unless otherwise provided. The principle of reciprocity in this respect was thus to a certain extent established, but only retrospectively; and in a Bill before the House last Session, the hon. and learned Gentleman would recollect that when he proposed to extend the provisions of the 5th Victoria, the hon. and learned Attorney General objected to the clause, but stated that the subject of establishing a complete reciprocity of privileges between the bar in each country was well worthy of consideration. The question he (Mr. Hamilton) now wished to ask was, whether it is intended to introduce any measure by which Irish barristers may be authorised to practise in courts in England, and English barristers in courts in Ireland, in which they are now competent to preside, or by which a reciprocity of practice in the profession, in both countries, may be established?

The ATTORNEY GENERAL stated that no such intention existed on the part of Government. At the same time, it was one well worthy of consideration. If the hon. Member should introduce any Bill on the subject, he would be happy to give him any assistance in his power.

THE RAILWAY COMMISSION.

Mr. BANKES rose to ask for leave to bring in a Bill to repeal the Railway Commission Act. He said it had been asserted by more than one of the present Ministers that the House of Commons were entirely to blame for all the extravagances of the Government. He, therefore, thought it was time for the House of Commons to redeem their character in some respect from such a charge, and to exercise, for the future, a greater degree of vigilance than hitherto. He was not, however, prepared to admit the charge to the extent to which it had been made. He did not deny that suggestions might have been made by private Members of the House, which proved very valuable to the Government;

but he did not think that all the extravagances of the Government were to be charged fairly upon the House, and the case he was about to open was one of them. It might be said that the previous organisation of the department which was authorised to exercise a supervision of the railways was not satisfactory either to the companies or to the Government, and that hon. Members did recommend some changes in the system; but it could not be asserted fairly that such recommendation was chargeable with the extravagances which had taken place in consequence of the suggestion. And, in any case, supposing the experiment to have been a right one, he now had, after two years' trial of its working, to submit to the House that any benefit which might be derivable from it was not such as to bear any proportion to the expenditure incurred by it. It was necessary that he should call attention briefly to the different boards under which the management of railways had been conducted, under the superintendence of the Government, as authorised by the sanction of Parliament. The original institution of a check upon railways was that invested in the Board of Trade. That existed from 1842 to August, 1844; and, during all that period, the annual charge which the public had to pay was only 1,370*l.* When the railway interest afterwards increased, it was found necessary to add some power to the authority vested in the Board of Trade, and a department was set aside exclusively for it. Yet, although the business of that department was very considerable, the charge to the public was no more than 3,202*l.* That office lasted to the end of 1846, when the Board to which he was now about to call attention was authorised by a Bill that was brought in at the very end of the Session. On the occasion upon which he had previously called attention to the subject, the Chancellor of the Exchequer, in answering him, said that the Bill had been unanimously passed by the House. But he thought the right hon. Gentleman had not had a very clear recollection of the facts when he stated that the measure had the full and entire approbation of the House of Commons—that it had met with no opposition, and had been cordially supported by all parties. In the first place, it should be observed that the debate was commenced upon the 20th of August — that a great number of hon. Members had then left town—and that the greater number of those who took any part in the debate objected to the Bill. And, in fact, although a division did not take place, there were only 66 Members present when the Bill was agreed to. It received the Royal assent on the 28th August; so that, considering the few Members to whose decision it was submitted, the period of the Session at which it was introduced, and the rapidity with which it was passed, he thought there could have been no great degree either of attention or discretion exhibited towards it. And when he now asked them to repeal such a measure, he was not chargeable with attempting to subvert a deliberate decision of the House of Commons. Well, from the year 1842 to 1844, the expenses, as he had before stated, of the supervision of railways had been 1,370*l.* a year. From 1844 to 1846, they were 3,302*l.*; but when the estimates referring to that item were laid before the House in the present Session, to the great surprise of many hon. Members, and certainly to his astonishment, for he was not aware of the existence ef the Commission until after it had been established, the amount was no less than 17,000*l.* He had stated, when he had before addressed the House upon the subject, that that sum was for a year and a quarter. The Chancellor of the Exchequer corrected him, and said that it was for a year and five months. But the right hon. Gentleman was in error in that statement; for, upon looking to the dates, he (Mr. Bankes) found that the Railway Commissioners did not enter upon their duties until the 9th of November, 1846, and consequently, to the beginning of January in the present year, was only a year and two months. The Commission did not begin their business until the 9th of November, 1846; and in the estimate for the present year, he found no less than 13,522*l.* 10*s.* charged as their expenses for the year. Some reduction would be made in this sum, as the noble Lord did not, as he understood, intend to fill up the office of President of the Board. [Lord JOHN RUSSELL: I did not say that I should not fill up the office, but that I should not ask for any salary for the office this year.] At all events there was to be a diminution in the estimates, by the amount of the Chief Commissioner's salary. He did not desire to occupy the time of House for any lengthened period, because the matter had been already very fully discussed when before the House on his Motion some six weeks ago. On that occasion the previous question was moved as an amendment, and he had a right therefore to say that his Motion had been evaded. He considered that under these circumstances he was justified in bringing the subject again before the House in another shape; and he thought that he might refer to it as being particularly deserving of notice at the present moment as a question of economy. It had been said that very little progress had been made with the public business during the present Session. However true the charge might be, he did not think that any of the blame could be attached to his side of the House. They had throughout the Session paid as much attention as they possibly could to the interests of the public; and in proof of the success of their efforts in this respect, he need only mention that they had saved the country from a five per cent income-tax, and had obliged the Government to revise and reduce the estimates. He would now call upon the House, in addition, to get rid of the unnecessary expense of this Railway Commission, which had been tried originally as an experiment; and he would admit that the experiment was a very proper one to have made, but which had, he contended, failed in effecting any public good. As the result of their labours, they could, he admitted, show a book of some 200 or 300 pages; but if that report had been confined to ten or a dozen pages, he thought that it would be much more generally read, and much more useful. As a general rule, he believed, it would be found that the number of readers of such reports were in an inverse proportion to the bulk of the volumes; and in the present instance he could not but regret that a large expense had been gone to for printing so very valueless a compilation. One of the grounds on which the right hon. Gentleman had got rid of his former Motion was, that a report was coming up; and now that it had come, he could defy the right hon. Gentleman to point out a single passage in it that told against his (Mr. Bankes's) views. Under the heading "Railway Legislation," in the report, he found the following:—

> "The present board of Commissioners of Railways was instituted under an Act which was passed at the end of the Session of 1846, in compliance with the recommendations of Committees of both Houses of Parliament. By this Act the powers which had been previously exercised by the Railway Department of the Board of Trade were transferred to the Commissioners, and additional powers of inquiry were given in case of references made to them by the Crown, or by either House of Parliament. It was recommended by the Committees, and it was also announced to be the intention of Government, that additional powers beyond those which had been possessed by their predecessors, should in the following Session be given to the Commissioners, with a view to the more effectual supervision of the railway system of the country, and for the purpose of assisting the two Houses of Parliament in disposing of that large portion of their business which relates to railways. It accordingly became the duty of the Commissioners, in connection with the Government, to prepare a measure on this subject, which was introduced into the House of Commons early in the Session of 1847. The pressure of other public business, however, was such as to prevent the subject being taken into consideration until a period of the Session had arrived when it was obviously impossible that the Bill could become law. It was consequently withdrawn, and it was at the same time announced that another Bill on the same subject would be submitted to the Legislature in the present Session."

Now, with respect to the first sentence, he would say that he believed the Committee never had any intention of countenancing so extravagant an outlay of the public money as the Government had introduced; and there was nothing to be found in their report that could justify the formation of such a board as had been established. As to the remainder of the paragraph, he thought that it was a very incorrect version of what had occurred. It was not in consequence of the late period of the Session, but it was on account of the imperfect nature of the Bill itself that the measure did not pass. There had been an universal dissent to the Bill on the part of the country, on the part of the landowners, and on the part of the railway interests, and that alone was the cause of its not having been passed. Since then nothing had been done, and, as far as the House had the means of judging, there was no intention on the part of Government to offer any other measure for their consideration. Under these circumstances, he felt that he was justified in calling on the Government to make out their case. They had before them a charge four times as great as that for which the same duties had been formerly performed, as well as they were performed at present, and it was for the Government to show what good had resulted from the appointment of this Commission to justify Parliament in voting this money. As to the repeal of this Act, he begged to say that he was not one of those who thought that railways should be left without supervision. Very far from it; but he thought that there was nothing in this Act which provided for an efficient supervision at all.

He would be most happy to see all the necessary power vested in the Board of Trade; and instead of those Commissioners and lawyers he would wish to see scientific men and properly qualified engineers appointed, who would obtain the confidence of the public. Such an alteration would be attended with great advantages, besides securing a large reduction of expenditure. If the management of the Commissioners had been efficient, he might not have grudged the expenditure; but as he considered that it had been injurious instead of beneficial, he hoped that the House would give him leave to bring in a Bill to repeal the Railway Commission Act.

Mr. LABOUCHERE said, that though the subject was a very dry one, he hoped the House would favour him with its attention for the very short time that he intended trespassing upon them. He was not disposed to underrate the importance of questions of economy in that House. He admitted that it was the duty of that House to economise the public money in every manner that it could be saved consistently with the public interests; but at the same time he thought the House and the hon. Gentleman must admit, considering the necessity of a superintendence over railways, that there was a consideration more important than the saving of money involved, namely, what system of superintendence were they to adopt. As to the question of economy, he thought that the hon. and learned Gentleman had not stated the question quite correctly. The expense of the present establishment of Railway Commissioners, after deducting the salary of the Chief Commissioner, which was not intended to be applied for, would be 10,700*l.* for the year. Now, he believed that the expense of the department of the Board of Trade, which superintended railways, might have been about 4,000*l.* a year; but the House should recollect that considerable services had been given by the clerks of the Board of Trade, and that additional expenses had necessarily been incurred. But it would be a great mistake to suppose, that if they followed the advice of the hon. and learned Gentleman, and sent back this business to the Board of Trade, that it could be performed again for 4,000*l.* a year. Since that period the railway business had been increased in every possible manner, from the development of the railway system since the Commission had been appointed, and still more by the additional functions of every description which Parliament had from time to time placed on the Commissioners, and which, if now thrown upon the Board of Trade, would require them to have considerable additional assistance. As a measure of economy, therefore, he believed that the House would deceive itself if it imagined that any great saving could be effected by abolishing the Commission, and transferring the business to the Board of Trade. On a former occasion he had entered into some details to show what the increase of business imposed on the Commissioners had been; and he hoped that the hon. and learned Gentleman had read the report, where it showed the great increase of business that had been thrown from time to time by Parliament on the Commissioners. He was unwilling to weary the House by going into details on the subject; but under the following heads, he thought that the House would perceive how great that increase of business had been. First, with regard to the inspection of railways, there had been before 1843 only 1,952 miles of railway opened; in 1844, 196 miles of railway had been opened; in 1845 there had been 293 miles opened; in 1846, 595 miles; and in 1847, 780 miles; making a total of 3,816 miles of railways to be inspected up to the end of 1847. He was informed that since then about 600 miles more of railways had been opened; and that up to the end of this year about 1,200 miles would be opened. He thought that this alone threw a very large amount of expense and labour on the Commission. Then with regard to inquiries into the causes of accidents, a considerable increase of business had also taken place; and he believed it would be found to be the fact, that from the useful suggestions which the Government had been able to communicate to the different railway companies, accidents on railways had greatly diminished, and the safety of the public had been in no slight degree promoted. Again, there was an increase of business in the regulation of by-laws, and in the arrangements with regard to cheap trains. The hon. and learned Gentleman complained that the Commissioners had not taken care to enforce the provisions of Railway Acts as they should have done; but he could assure the hon. and learned Gentleman that a great deal of business had been before them on this subject, but the Commissioners always thought it better to come to an amicable arrangement with the companies, than to enter into legal proceedings with them. He thought that it had been beneficial to the public that litigation had not been encouraged; but the hon. and learned Gentleman should not suppose, from the absence of law-suits, that the Commissioners had neglected their duty. An important question relating to this point was now at issue with a powerful railway company; and though he would not enter at present into the subject, he might observe that the Commissioners would be prepared to maintain the interests of the public to the utmost. Then, with regard to applications for extension of time—no less than 126 such applications had come before them; and in every one of these Sir Edward Ryan had the attorneys before him, and had entered into an investigation of the cases. But he should remind the House that on this subject much more depended on the nature and quality of the business to be done than on its amount. He admitted, that with a sufficient number of clerks, the Board of Trade would be able to get through all the routine business of supervision; but there was one branch of the service that had never been, and never could be, satisfactorily got through by the Board of Trade. He begged the House to recollect the nature of the questions submitted to the railway department of the Government. They involved not only difficult legal and engineering points, but they were also questions on which property to an immense amount depended; and if the House referred these questions to a particular department of the Government, they must take care that their decision should have proper weight with the public. Now, in the Board of Trade, he believed that no man could have applied more energy and ability to this matter than Lord Dalhousie; but yet it was a fact that his decisions had been constantly overset by that House. That he attributed to the circumstance that the officers by whom the noble Lord had been advised in matters of law and other details, were not of sufficient weight and standing. God forbid that he should throw any imputation on the judgment, or the honesty, or the honour of men occupying less prominent positions! but it was not enough, in questions involving great pecuniary interests and details of a delicate nature, to have the decisions of such men. They should be considered by men who had acquired an established and recognised position, in order to have their decisions protected against the shafts of calumny. He had always attributed much of the want of success that had attended Lord Dalhousie's decisions on this subject, to the fact, that he had taken the advice of persons who were not possessed of the station and character necessary to give weight to their views. He admitted that when the Railway Board was first established, an intention was announced to Parliament of throwing additional duties upon it; and he owed it to his friend Mr. Strutt to say, if that had not been so, he would not have consented to accept the office of Chief Commissioner. He admitted, too, that unless the duties of the office were increased, the Board should be presided over by a Member of the Government connected with some other department; and the Government had given a pledge of their sincerity in this respect by intimating that they did not intend, in the present year, to propose any estimate upon account of the salary of the Chief Commissioner. The hon. and learned Gentleman seemed to imply that the decisions of the Railway Commissioners had been very much disregarded by Committees of that House. The hon. and learned Gentleman was mistaken on this subject. He had confounded the reports of the Tidal Harbour Commissioners with those of the Railway Commissioners. In point of fact, since the Railway Commissioners had been established, only one report emanating from that Board could be said in any degree to have been overturned by a subsequent decision of the House of Commons; and that related to the question of the gauge between Birmingham and London. In almost every other instance, and many had been of great consequence, it was remarkable how much the opinions of the Commissioners had weighed with Parliament, and how frequently Committees of that House had arrived at the same decision. Under all the circumstances, therefore, the House would be taking an ill-advised step, by now putting an end to the Commission, and insisting upon the Board of Trade resuming its function in respect of railways. At the same time he begged the House to understand distinctly he was by no means satisfied that the Railway Board might not be made much more useful than it was. He hoped to see its influence over the railways of the country gradually extended; and it was worth consideration whether the Tidal Harbour Commission might not be abolished, and its duties transferred to this

Board. All these different subjects were now receiving the attention of a Select Committee of that House, which, he believed, would shortly report; and, on receiving their report, it would be the duty of the Government to take the whole question into consideration, with a view to adopting such measures as might be conducive to an economical and efficient management of this department of the public service. He hoped, therefore, that the hon. and learned Gentleman would consent to leave the subject in the hands of Her Majesty's Government.

Mr. GLADSTONE regretted Her Majesty's Government should have adopted a view of this question at the present moment so materially different from that which they had expressed upon former occasions. Upon a former occasion they admitted the Railway Commission had been instituted at great expense, in the expectation of new duties being provided, which new duties had never been provided; and they now admitted that, so taken, the case was complete. But what did they do, notwithstanding that admission? They met the Motion of his hon. Friend the Member for Dorchester simply upon the question of time. It had been stated that when the Commissioners presented their report they would give their own views as to their future course, and then the House would be in a position to decide as to the other duties to be imposed upon them. Well! they had reported—and to what effect? Why, they positively had not reported in favour of extending new duties to their Board! The whole idea upon which the Commission was founded thus vanished into thin air. There was not the slightest notion in the report of those duties being committed to the Board, which the House intended when they appointed it; and but for the contemplation of which additional duties, the House would never have dreamt of appointing the Commission. Yet the House were now invited to leave the question in the hands of the Government, who promised it should receive careful consideration. Certainly it was not the way to look their constituents in the face, when they were told on all sides of the vast expenditure of the country, and of the necessity for economy, to continue a Commission which cost so large a sum in comparison with the services rendered. He held the first report of the Commissioners in his hand, from which it was evident that to all practical purposes they had themselves abandoned the notion of acquiring the more extensive duties for the purpose of discharging which they were originally appointed. Those new duties had vanished from their contemplation. This was clear to him, because, from the beginning to the close of their report, they did not recommend that a Bill should be introduced to ascertain their duties. It was, further, quite evident that, up to the resignation of Mr. Strutt, it was the intention of Her Majesty's Government to commit those duties to the Royal Commissioners; and the right hon. Gentleman had informed the House Mr. Strutt would not have held office if such duties were not assigned. The right hon. Gentleman (Mr. Labouchere) having accepted the office which Mr. Strutt held, it was clear, although the functions of the Commission might have been enlarged in detail, that the introduction of new duties upon a comprehensive scale, like that proposed, had been abandoned; and how, he would ask, could the House be justified in maintaining an establishment when there was no prospect of giving them the duties for the purposes of which they were instituted? The right hon. Gentleman had spoken of the relative expense of the present Railway Board and of that under Lord Dalhousie. He believed the expense might be stated, in round numbers, the former at 12,000*l.*, and the latter at 4,000*l.* per annum. This then, was a question of economy. At the same time, he agreed with the right hon. Gentleman, that they must not overlook the importance of the duties of the Commission being discharged by efficient men. Those duties must certainly not be trusted to inefficient hands. But the right hon. Gentleman had not done justice to the Board which acted under Lord Dalhousie. They were efficient men. The only difference between the two was—not that the present was composed of better men than the former, but that the existing Board were paid twice as much as Lord Dalhousie's. The right hon. Gentleman had spoken of the great increase of railway business, as making it necessary that the Board should be continued. No doubt there had been an increase in some respects. He believed there had been an increase in the correspondence; but as regarded the difficult and responsible functions of the establishment, there had been no increase. On the contrary, the weight of business had decreased since the time when it was discharged by Lord Dalhousie and an establishment costing only one-third the amount of the present. How were the Members of that House to justify to their constituents the propriety of paying three times as much as they formerly did for discharging reduced duties? The right hon. Gentleman, however, had challenged him to refer to the report of the Commissioners, as a proof of the services they had rendered. Well, he would refer to the report; and he could not help saying that, amidst a great deal that was good, it manifested indications of the fact that, when men were appointed to offices where they had to make duties, they generally manufactured reports out of such materials as might be presented to them, whether they were of sufficient importance or not. In the 27th page there was a paragraph, occupying nearly half of it, which might be given as an example. The report said:—

> "A private of the Sappers and Miners, travelling on the Caledonian Railway on detached duty connected with the Ordnance survey, and having with him certain surveying instruments weighing less than 56 lbs., was charged for them as for a quarter of a ton of public stores, the Caledonian Railway Company's Act containing a clause authorising the company to charge for a fraction of a quarter of a ton as for a quarter of a ton. The Commissioners being disposed to think that articles of this kind could not be considered as forming part of the soldier's 'personal luggage,' and therefore could not be included in the half-a-hundred weight which each soldier is allowed to take with him free of charge; they considered that, whether the weight of the personal luggage which the soldier had with him was less or greater than 56 lbs., these instruments were liable to be charged for separately as 'public baggage or stores,' at the rate of twopence a mile."

That was a specimen of the report. The right hon. Gentleman had spoken of the advantage of the Railway Commission not having to travel far for legal advice. He agreed with him. But he thought this great question, whether "a private of the Sappers and Miners travelling upon the Caledonian Railway," was liable to have his surveying instruments charged as "personal luggage" or as "private stores," at the rate of *2d.* per mile; and the other great question, whether they should be charged for a fraction of a quarter of a ton, as for a quarter of a ton, or as forming a portion of an entire ton—these great questions, he should have thought, an establishment of 12,000*l.* a year, with a great lawyer amongst its highest functionaries, might have settled for themselves. The Railway Department, however, referred these great questions. They invoked the aid of the law officers of the Crown, not, as he imagined, without expense. [The ATTORNEY GENERAL: There was no additional expense.] He would recommend the hon. and learned Gentleman, if he were dissatisfied with the emoluments of his office, to resign the Attorney Generalship, and to seek for some appointment under the Railway Commission. At length the question was decided, and the law officers of the Crown were of opinion—

> "That the Caledonian Railway Company were not justified in charging for the surveying instruments as for a quarter of a ton, but were entitled only to charge for them according to their actual weight, at the rate of *2d.* per ton per mile."

Not only, therefore, was the House informed of this great controversy having been brought to a close, certainly not without gigantic efforts; but they might be assured, that if another question of equal importance happened to arise, there would be an equally valuable report upon it. The real truth was, as he had intimated, that this was the way in which gentlemen who had not an adequate amount of duty to discharge absolutely had to make duties in order to show a semblance of business which they had not. He could not help saying, that if Mr. Laing had happened to be in the Railway Department when these great matters arose, he would have contrived to settle the important question of charging 56 lbs. weight as for a quarter of a ton, at the rate of *2d.* per mile, without obtaining the assistance of the law officers of the Crown. He repeated, then, that there had been no real increase in business of weight and difficulty. With regard to the weight attached to the decisions of the Commissioners, he did not think they had been increased by their reports being made with the assistance of certain great names; nor did he think Lord Dalhousie's reports had failed because they were sustained by men not so well known. He had never heard a single word against the competency of the men who assisted Lord Dalhousie. It was of course very easy to say that one or two of his reports had failed; but it should be recollected, that in 1845 Lord Dalhousie presented a vast number of reports, no fewer, he believed, than 417; and no doubt some of the decisions of Lord Dalhousie contained in those reports had been overruled, either by Committees of the House of Commons, or by the House itself. But then the right hon. Gentleman had omitted to state, that the decisions of the House on some of the reports of the Commissioners had shown that there were cases in which Parliament did not attach any great weight to their judgment. Certainly their report on the subject of the gauges had been most unfortunate. It had been overruled in the House of Lords, and in the House of Commons: when they had invoked the aid of certain Members who had sat on the Committees on that subject, they had frankly confessed that they could not support the report of the Commissioners, because they could not understand it. [Mr. LABOUCHERE: How did you vote?] He had supported the Government. He had done so because he had approved of the report. He meant to cast no imputation on the Railway Commissioners for the manner in which they performed their duties; whatever duties they had to perform were performed most efficiently; but what he contended was, that the country ought not to be called upon to pay 12,000*l.* a year for the performance of that which could be done quite as effectively for one quarter of that sum.

MR. VERNON SMITH, who rose amidst loud cries of "Divide, divide!" did not consider it decorous in the hon. Member for Sunderland, considering the peculiar position in which he stood, to make himself so conspicuous among those who seemed determined to interrupt every one who spoke in favour of a measure for placing some check on railway companies. He saw opposite to him a large number of Gentlemen connected with railways—there were enough of them on the opposite benches at that moment to form a provisional Committee. No doubt those railway Gentlemen would be glad to get rid of the Railway Commission altogether. It might be easily understood that they would object to every measure of railway supervision that could be proposed. He hailed the accession of the hon. and learned Member for Dorsetshire to the ranks of those who advocated economy, and hoped that they might have the benefit of his assistance on other occasions. He admitted that at present there was not enough work for the Railway Commissioners; but he submitted that this was not the time for the hon. Gentleman to press forward his Bill. The whole of the Miscellaneous Estimates had been submitted to a Committee of which he had the honour to be chairman. This subject had been discussed by the Committee, and resolutions had been passed by the Committee relating to the Railway Commission; and he therefore thought that it would be as well that the House should wait until the report of the Committee, and the evidence taken before it, had been presented, before coming to a decision. He was of opinion the duties of the Tidal Harbour Commissioners, and many of the duties now discharged by the Commissioners of the Woods and Forests, might, with great advantage, be transferred to the Railway Commissioners. He objected to transferring the performance of the duties of the Railway Commissioners to the Board of Trade, which was already overworked. These Commissioners, on the contrary, should be made to afford relief to some of the already overworked departments of the Government; and as the Poor Law Commissioners had afforded great relief to the Home Office, so might the Railway Commissioners be made to afford relief to the Board of Trade and to the Commissioners of Woods and Forests and other offices. With regard to the high salaries of the engineering officers attached to the Commission, he would observe that unless sufficient salaries were paid, it was impossible to secure the services of the most efficient engineers, who, if they were underpaid, would be tempted, and he believed had been tempted, to leave the public service, and to take service under railway companies.

LORD JOHN RUSSELL, before the House divided, wished to state how far he agreed with the hon. and learned Gentleman who had brought the Motion forward, and with the right hon. Member for the University of Oxford. He agreed so far with them as to think that the Railway Board, as at present constituted, had more persons belonging to it at high salaries, than was necessary for the business there was to do; and that unless some arrangement was made for other business to be attached to it, great alterations ought to take place before the next Session of Parliament, by means of which there would be considerable reduction. But he did not agree with the right hon. Gentleman in thinking it was quite sufficient to have persons with low salaries, and then say they had secured a good department. His opinion was, that if they did not wish to have an effectual supervision over railways, it would be better not to place any persons whatever in that position. Such a course would be perfectly intelligible; leaving to Committees of the House of Commons, or the House of Commons itself, all the necessary regulations. But it was better to have persons with salaries proportionate to the business they had to do, and to rely upon them exclusively as men of character and station for the proper performance of these duties. The worst plan that could be taken would be to have a number of persons at inferior salaries, who would be tempted to leave the public service the first opportunity for some other more profitable employment. Had not this occurred with some of the very persons to whom the right hon. Gentleman had referred? One of the officers employed by the Railway Commissioners was Captain Codrington. A more efficient officer could not be found; but he was so able and efficient, and the public salary he received was so much less than that offered to him by a great company, that he was induced to leave the public service. It was not one-third the amount he obtained from the private company. Mr. Laing also found that the public service was not worth retaining, and he put on his barrister's gown again, finding private business more profitable than the public service. He knew, too, it was always said it was a bad arrangement to pay a judge less than the barrister could earn at the bar, because, by that policy, the best men could never be obtained. In like manner, if we were to have a railway board, it would be worth while to pay a difference of some 3,000*l.* or 4,000*l.* more, in order to have its business done by the best men—by men of station—by men who were not likely to leave it for any private service. The hon. Gentleman had said that the Bill for establishing the Railway Commissioners was not brought in till the 20th of August, when there was a thin attendance. That was true; but he took care to tell the House at the time that if objections were urged to it, he was ready to withdraw the measure. Several objections were made, but no one said the Bill ought not to pass. Indeed, Committees of both Houses had recommended that there should be a separate public department for railways. He repeated that the Railway Board ought not to remain in its present position. It might remain as at present if other public services were added to it, such as the Tidal Harbours Commission; but if none were added, it ought to be diminished by reducing the number of persons, but not the amount of salaries. At all events, rather than have such a board as they had before, although Lord Dalhousie's reports were generally esteemed very able—a board open to all kinds of attack, with their recommendations often disregarded—it would be far better to have no supervision whatever.

Mr. BANKES, in reply, said he proposed to repeal this Act, and give the noble Lord the power of bringing in such an Act as he required.

The House divided:—Ayes 62; Noes 73: Majority 11.

List of the Ayes.

Anstey, T. C.
Baillie, H. J.
Beckett, W.
Bentinck, Lord G.
Beresford, W.
Berkeley, hon. C. F.
Blackstone, W. S.
Boldero, H. G.
Buck, L. W.
Buller, Sir J. Y.
Cardwell, E.
Chaplin, W. J.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Colvile, C. R.
Compton, H. C.
Disraeli, B.
Duncan, Visct.
Duncombe, hon. O.
Duncuft, J.
Edwards, H.
Ellice, E.
Fitzgerald, W. R. S.
Forbes, W.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Greene, J.
Hall, Col.
Heald, J.
Henley, J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Hildyard, T. B. T.
Hodgson, W. N.
Hudson, G.
Humphrey, Ald.
Ingestre, Visct.
Keogh, W.
Lincoln, Earl of
Locke, J.
Mackenzie, W. F.
Meux, Sir H.
Mullings, J. R.
Neeld, J.
Newdegate, C. N.
Plowden, W. H. C.
Pugh, D.
Sandars, G.
Sibthorp, Col.
Sidney, Ald.
Smyth, J. G.
Stafford, A.
Stephenson, R.
Tyrell, Sir J. T.
Urquhart, D.
Vyse, R. H. R. H.
Waddington, D.
Westhead, J. P.
Williams, J.

TELLERS.

Bankes, G.
Spooner, R.

List of the Noes.

Abdy, T. N.
Anson, hon. Col.
Baines, M. T.
Baring, rt. hon. Sir F.
Bellew, R. M.
Berkeley, hon. Capt.
Boyle, hon. Col.
Brotherton, J.
Buller, C.
Butler, P. S.
Caulfield, J. M.
Clay, J.
Clements, hon. C. S.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Davie, Sir H. R. F.
Deedes, W.
Denison, J. E.
Dundas, Adm.
Ebrington, Visct.
Elliot, hon. J. E.
Evans, W.
Fagan, W.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J.
Forster, M.
Grey, rt. hon. Sir G.
Grey, R. W.
Hawes, B.
Heneage, E.
Henry, A.
Herbert, H. A.
Heywood, J.
Hobhouse, T. B.
Jervis, Sir J.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Marshall, J. G.
Martin, J.
Maule, rt. hon. F.
Morpeth, Visct.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Ogle, S. C. H.
Ord, W.
Paget, Lord C.
Parker, J.
Patten, J. W.

Pechell, Capt.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Shelburne, Earl of
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. B.
Somerville, rt. hn. Sir W.
Stansfield, W. R. C.
Tenison, E. K.
Thompson, Col.
Townshend, Capt.
Ward, H. G.
Watkins, Col.
Wilson, J.
Wood, rt. hon. Sir C.
Wyvil, M.

TELLERS.

Tufnell, H.
Hill, Lord M.

INTERFERENCE IN FOREIGN AFFAIRS.

Mr. URQUHART: Sir, I rise to move—

> "That, interference in the internal government of other countries is detrimental to the interests, and derogatory to the honour of this country, as well as to the interests and honour of the countries in behalf of which such intervention is assumed to be exercised.
>
> "That this practice of intervention has led to or excused the increase of the military and naval establishments, and thereby of the public expenditure, to the great oppression of Her Majesty's subjects, and particularly of the class which depends on daily labour for daily food."

After the late sitting of the House last night, and the length of time it has been this day engaged in public business, I could expect very little of its attention, even were the subject I have to bring forward the most attractive. How little, then, can I look for a patient and attentive hearing, without which it is impossible for any one to do justice to that subject which I have to introduce? I will recommend it to your consideration as being calculated to diminish, not to increase, the labours of the House. Overwhelmed with the load of internal colonial, commercial, monetary, and other business, is it not desirable to relieve ourselves from this foreign policy with which we have been and must be beset, until we choose to give one hour of serious deliberation to ascertain whether or not it be lawful, wise, and expedient to meddle in matters which do not concern us? What I propose is, to shut a door through which enter matters embarrassing, and drawing after them painful consequences. You cannot help governing yourselves — you cannot avoid governing your colonies—but we are under no necessity of governing Europe; nor have you succeeded so well at home as to be encouraged in the exercise of these governing tendencies abroad. What I have to assert is nothing more than a truism; but a truism which is the law of the land—a truism which is the dictate of common sense—a truism which requires to be asserted by this House to become a truth. The resolution which I submit is one which requires little argument to support it, for no one in this House will venture to gainsay it. There is no party in this House in favour of intervention. No reformer has ever declared for intervention. No innovator has proposed intervention. No Minister has come down to abrogate our past laws —to rescind our past resolutions, and to tell us that henceforward it is the duty and business of this country to interfere in the affairs of others. Were any man found to assert that the principle, as it is called, of intervention is just, there is no one who would declare that the practice of it is expedient. The difficulty with which I have to cope, and on mastering which depends the direction of the future course of this country, is to bring home to the House the consciousness that our acts are in direct opposition to our avowed maxims, and that it is our business to prevent what we acknowledge to be wrong. The resolution I propose puts you in the alternative of affirming the necessity of doing what you know to be right, or of declaring that right which you do—it puts you in the alternative of reducing your practice to conformity with the old law, or of affirming new maxims consonant with your present practice—it puts you in the alternative of admitting that you undertake to govern the world, or of suffering the world to manage itself.

I will not travel back into the past history of the case, nor enter into the details of transactions in any separate country. What I have to bring before you is a practice, now become habitual and notorious, of interfering with the dynasties that should sit on foreign thrones, or the form of institutions which should govern independent nations. To these two points I limit myself. I now declare, that by the law of nations, it is not only not lawful to act on such pretexts, but that it is a crime. There is a distinction to be drawn between the acts of agents exercising a delegated authority and of private individuals. To the private individual it is lawful to do whatever the law does not forbid; but the Government can do only that which the law permits. There is no law which sanctions such interference; but there is a law which in the most express, detailed, and stringent manner forbids it. Such acts are no less repugnant to common sense, than they are to the very fundamental maxims of the faith which we profess—that "we should do unto others as we wish others should do unto us." They are, moreover, in direct violation of all the old traditions of this country, and of the practice of the best—nay, even up to the present, that is, the worst times. We have taken part with dynasties—we have taken part with institutions—we have made these the cause of quarrel and war where England was neither injured nor concerned. In each such act England has violated the law of nations, and the Minister has violated the laws of England. I defy the noble Lord to controvert either of the two positions. The noble Lord can give no answer. He dares not rise up in his place and give any answer. The only answer which he can give is the one which he is now preparing—a "count out." I will risk the loss of a minute of the few that may yet be afforded me by reading a passage from Lord Aberdeen, spoken by him twenty years ago, in reference to Portugal, when England was appealed to from that country for aid. That appeal was rejected by the English Government, upon the ground that our interference would not be justified by any foreign aggression, but could have reference only to internal rebellion, or to the support of a certain dynasty. Here then is the practice and the law of England laid down by a living statesman. Now, I ask the noble Lord whether the will of this people — the decision of this House—or the laws of England—have been changed? He has reversed the practice of England, in defiance of the will of the people, of the decision of this House, and of the laws of the land! Why then, it may be asked, if the law forbids such acts, is a resolution of this House requisite? For this reason, that no virtue remains in the land to enforce the law. The penalties, which are its preventive means, no one dreams of enforcing, and thus the law slumbers disregarded. Further, the consequences of evil acts no one comprehends, for we day by day conclude on events and form opinions, so that it becomes impossible to connect consequences with their causes. The utmost then that this House can do is to throw obstacles in the path of those who possess irresponsible power. Such an obstacle this resolution would be; for in face of it a Foreign Minister would have more difficulties to contend with on the part of his Colleagues. The maxim that the Government had to make out and submit a case in each instance of intervention, being admitted, the prior assent of Parliament would be required before we plunged again into wars, treaties, interventions, and protocols. There is no one who will not admit that if the prior assent of Parliament had been required—as was the practice up to the close of the career of Mr. Canning—that we should have had none of those measures which have cost the lives of nearly 100,000 of our fellow-creatures—occasioned enormous sacrifice of money—and prepared Europe for a relapse into barbarism. By this illegal course of England, Europe has been brought into the present confusion. By the great example of England, public law has been laid prostrate—by her armaments and her acts have the nations of Europe been oppressed with the load of military establishments under which all its systems have perished. On us has been heaped up an extra expenditure within the last thirteen years of 42,000,000*l.* This is the penalty brought home to the door of every man in this land, whether capitalist or daily labourer, for his disregard of the laws. Such are the results of our interfering to support certain dynasties and forms of government. I will content myself with these assertions, which no one will have the hardihood to controvert, and call upon you now either to put an end to such proceedings, or really to adopt them, as your own. I repeat—the effect of this resolution will be merely that this House shall be consulted beforehand, when measures are to be undertaken abroad.

MR. FREWEN observed that there were not forty Members present, and the House adjourned at a quarter before Eight o'clock.

HOUSE OF COMMONS,

Wednesday, July 5, 1848.

MINUTES.—PUBLIC BILLS.—1° West India Islands Relief. 2° Parliamentary Proceedings Adjournment; Ecclesiastical Districts Assignment; Juvenile Offenders (Ireland).

PETITIONS PRESENTED. By Sir Francis Baring, from Portsmouth, for an Extension of the Elective Franchise.—By Mr. Brotherton, from James Syme, 1, Bishop's Terrace, Walcot Square, Lambeth, in favour of the Qualification of Members Bill.—By Mr. Bouverie, from Southmolton, and its Vicinity, for an Alteration of the Law respecting the Church of England Clergy.—By Mr. Farnham, from the Baptist Congregation at Rothley, for the Discouragement of Idolatry in India.—By Mr. Thomas Greene, from Halton, Lancaster, for Better Observance of the Lord's Day.—By Mr. Ewart, from the Royal Burgh of Annan, and its Vicinity, in favour of the Places of Worship Sites (Scotland) Bill.—By Mr. Brotherton, from Merchants and Others, of the City of London, for Repeal of the Duty on Receipt Stamps.—By Mr. Bouverie, from the same Place, for an Alteration of the Law respecting Bankruptcy and Insolvency.—By Mr. Bankes, from Sherborne, Dorset, for the Punishment of Bakers using Short Weights.—By Sir George Strickland, from Preston, in favour of a Secular Education.—By Mr. Home Drummond, from the Presbytery of Weem, Perthshire, for Ameliorating the Condition of the Parochial Schools (Scotland).—By Sir H. Willoughby, from Evesham, Worcester, against the Dealers in Spirits Bill.

THE PARLIAMENTARY PROCEEDINGS ADJOURNMENT BILL.

MR. GREENE considered that as this Bill (which came down from the House of Lords) had not yet been explained to the House, it would be necessary for him, in now moving that it be read a second time, to state in a few words the nature of the measure. It was notorious to the House, that the prorogation of Parliament put an end to every proceeding in either House of Parliament, and that, at whatever stage a measure might be when the prorogation took place, the whole of the stages of that measure must be gone through if it was again introduced in the subsequent Session of Parliament. They were also aware that, of late years, the greater portion of their business, and very frequently the most important, was postponed till a very late period of the Session—so late that, on many occasions, it was found necessary to drop important questions altogether; while the House of Lords either found it impossible to get through the Bills that came before them, or did so with a degree of rapidity that ought not to exist. In 1844 the number of Bills that were brought up to the Lords from the Commons were—in March, three; April, one; May, ten; June, nine; July, fifty-two; and, on the four last days on which the House sat, in August, twelve. In 1854 there were 155 Bills brought into the Commons; and 130 Acts of Parliament passed, of which 21 originated in the House of Lords, and 109 in the House of Commons. Of 91 Bills sent up from the Commons in 1845, and printed, excluding those which the Lords did not think of sufficient importance to print, there were sent up in February, one; in March, five; in April, twelve; in May, four; in June, nine; in July, fifty-nine; in August, one. So that of the Acts which were sent up to to the House of Lords in 1845, sixty-three, or nearly one-half, were so sent up within the last six weeks of the Session. In 1846, 149 Bills were brought into the Commons; of 117 Acts which were passed, 12 originated in the House of Lords, and 105 in the House of Commons; 79 were printed, and of those, 15 were sent up in July, and 36 in August. In those two months 51 Bills were, in all, sent to the House of Lords, and passed into law. In 1847, 159 Bills were brought into the Commons; 115 Acts passed, of which 11 originated in the Lords, and 104 in the Commons; 7 were not printed. Of those Bills there were sent to the House of Lords in January, two Bills; in February, six; in March, seven; in April, ten; in May, fifteen; in all, forty Bills up to that period. In June there were brought up twenty-eight; in July, twenty-nine; being fifty-seven Bills sent up during those two months; forty-nine of which were passed within six weeks, and twenty-eight within three weeks, of the prorogation. It was plain that under these circumstances sufficient time was not left to the House of Lords for the consideration of those measures. If it were necessary to adduce futher proof of the evil which the present Bill proposed to remedy, it would be found in the statements which had been made in Parliament at different periods with respect to the state of public business. On the 20th of July, 1843, Sir R. Peel, after adverting to the number of Orders of the Day, proceeded to state, that though there were some which might pass without difficulty, there were others of great importance. Among these were the Arms (Ireland) Bill, the Scottish Church Bill, the Irish Poor Law, and the Exportation of Machinery Bill. He added—

> " Of course it would be difficult for him to be aware what the progress of those Bills would be; but he thought it probable that they would occupy so much of the time of the House, that it would be difficult to expect full attention in that and the other House of Parliament to the Ecclesiastical Courts Bill. Her Majesty's Government were perfectly prepared, if there had been time, to proceed with that Bill; but they could not think that at this late period of the Session the Bill would receive the full consideration of the House of Lords, even if it should pass this House."

For similar reasons it appeared the Factory Bill, the County Courts Bill, and the Small Debts Bill, were abandoned. The House was that year prorogued on the 24th of August. On the 1st of July, 1844, Sir R. Peel expressed his regret that " a vast mass of business still remained to be transacted;" and on the 7th of July, 1845, the right hon. Gentleman, again adverting to the state of public business, said—

> " I regret to find, on a view of these measures, that several of those which yet remain to be discharged, and that must and ought to be discharged, are very important. The entire number of Bills amounts to between fifty and sixty."

Now, among the Bills which the right hon. Baronet enumerated were to be found the Irish Colleges Bill, the Poor Law Amendment (Scotland) Bill, the Jewish Disabilities Bill, the Bills of Exchange Bill, containing modifications of the Usury Laws, the Parochial Settlement, the Irish and Scotch Removal, the Criminal Lunatic, the Drainage of Land, the Joint Stock Companies, the Practice of Surgery, the Merchant Seamen's Fund, the Charitable Trusts, the Ecclesiastical Local Courts, the Small Debts, the Commons Enclosure, and the Justices' Clerks Bills. Such was a list of important Bills which were in that House on the 7th of July, 1845. Parliament was that year prorogued on the 9th of August. In 1847 the noble Lord at the head of Her Majesty's Government stated, on the 31st of May, that he felt the Health of Towns Bill of very essential importance, and hoped to pass it; yet, on the 8th of July, he was obliged to withdraw it. Lord Lord Normanby on one occasion complained that—

> "Under the present custom of Parliament most Bills must originate in the Commons. At present their Lordships' time was wasted in the early part of the Session, and everything was crowded on together when a majority of their Lordships had left London, and when, even if they were all present, they would have no time to bestow for the consideration of the measures presented to their notice."

The circumstance and statements to which he had referred, showed that there was an evil to be remedied. The evil, he conceived, was admitted on all hands, and the only question which remained was whether the Bill of which he was about to propose the second reading was calculated to alleviate the evil without trenching on the prerogative of the Crown, or prejudicing the privileges of either House of Parliament. The Bill proposed that it should be lawful for either House of Parliament, at any stage of any Bill which had been passed by the other House, to adjourn proceeding with it to a future Session. It was not intended to interfere with the power of putting a stop to measures by means of a prorogation which the Crown now possessed; for the consent of the Crown was requisite to their reintroduction; and if there was any apprehension that Bills would be improperly hung up, the provision rendering the consent of the Crown necessary to the suspension of a Bill would afford an efficient guard against abuse, the Government being responsible for the general good conduct of the business of the country at large. He believed that no practical inconvenience would result from the operation of the measure he now proposed for the acceptance of the House. The Bill did not apply to matters of tax or revenue. After a measure had passed the House, and undergone the fullest consideration there, very considerable advantage would accrue from having it placed before the country for a period of five or six months. At present, he feared, there were unavoidably instances of hasty legislation, which might not occur were provision made for the revival of Bills in a Session subsequent to that in which they were introduced. It might be said that in the course of five or six months the House of Commons might, under a change of circumstances, alter its opinion of a Bill. But even that contingency was provided against by the present measure. A Bill revived in the Lords must come back to the Commons for its approval before receiving the Royal assent. There was one other point to which he wished to refer. It was said the Houses of Parliament might carry out the object of this Bill by resolutions of their own. With the precedent established by the 1st of George IV., c. 101, he doubted greatly whether they ought to proceed otherwise than by Bill. He had not hastily come to the conclusion that a measure such as the present was required; and, however important it might be to adhere rigidly to practice as a general rule, yet, when an evil existed, and a remedy might be applied, he trusted that he would ever be ready to set himself free from the prejudice which naturally existed in favour of what was the old practice. He had a strong conviction that a very considerable degree of relief would be afforded, and that great advantage would be derived by the House and by the country at large from the adoption of this measure. It was perfectly notorious that the House at the present moment felt the effects of delay in the progress of public business. Notice had been given of a Motion for the appointment of a Select Committee to consider what was the best mode of facilitating the despatch of public business in that House. It was his earnest wish to refer the Bill to that Committee, and it was with the view of so referring it that he now proposed the second reading of the Bill.

MR. GOULBURN felt that great part of the objection he had to this Bill was removed by the proposal to refer it to the Select Committee which it was intended to nominate on the business of the House, because when the question came before the Committee there would be an opportunity of considering all the objections in detail which applied to the measure. He must be allowed, however, to say that he thought this Bill rather aggravated the evil. As a Committee, however, was to be appointed on the business of the House, he should forbear from entering further on the consideration of this Bill; but should it so happen that the Committee was not appointed, he should take an opportunity of stating his views on the subject when it should be proposed to commit the Bill.

LORD J. RUSSELL concluded that the hon. Gentleman who had moved the second reading would at all events refer the Bill to the Select Committee which it was proposed to appoint on the business of the House; that whether the House agreed or not, though he presumed they would, to that Committee, the hon. Gentleman would propose that the Bill be referred to a Select Committee, and would nominate the persons whose names now stood in the Votes. Like the right hon. Gentleman who had just sat down, he should refrain from entering into any of the considerations which the Bill involved. There was one question, however, as to acting by Resolution or by Bill, which was of considerable importance, and to which he should briefly advert. He believed the House had an inherent power of making resolutions by which the House could agree at a single reading to a Bill which had been passed in a previous Session of Parliament, and the House of Lords had agreed to. There was nothing in the first, second, or third reading of a Bill which was binding upon the House by Act of Parliament, or which they had it not in their power to change. He thought, therefore, that they could by resolution declare that, instead of three readings, they should have only one reading, which should be conclusive. Such would be the effect of the Bill as it stood, because it was proposed, not that the House should be bound to assent to what it formerly agreed to; but that every clause of a Bill might be reconsidered in another Session, if it were not passed in the same Session in which it was introduced. But as to doing such things by resolution, he saw considerable objection. It would be altering the whole usage of Parliament by resolution. If there were to be a Bill, it ought to be a temporary Bill, for otherwise very great inconvenience would be experienced; and it would rather embarrass legislation than assist it, were they to adopt a measure which they had not the power of altering without the consent of the other House of Parliament. Therefore he thought, if a measure of this kind were adopted, whether by way of resolution, to which there was great objection, or in the shape of a Bill, that Bill ought to be of a temporary character, so that the House should have the opportunity of judging of the effects of an experiment which might be required by the state of the business, but at the same time an experiment of which no one could tell the result.

MR. CRAWFORD objected entirely to the Bill. Instead of facilitating, it would greatly retard public business. He should therefore feel it his duty to take the sense of the House against it, and to move that the Bill be read a second time that day six months.

SIR D. NORREYS hoped his hon. Friend the Member for Rochdale (Mr. W. S. Crawford) would not persist in his Motion. He believed that some Bill of this kind was necessary to enable them to get through their business. The system of Parliament taking up in one Session the business which had been left undone in a previous Session was not new. It had already been in operation for several years in the French Chambers, and had been found to be productive of great advantage.

VISCOUNT MAHON was quite ready to refer this Bill to a Select Committee. But, notwithstanding his great respect for his right hon. Friend the Member for the University of Cambridge, he could not go along with him in several of the objections he had stated to this Bill. He thought it was liable to some objections; but he considered that the general principle well deserved the attention of the Committee. He was strongly impressed with the advantage of the Bill in a case like this: Suppose a Bill to be supported by a majority of that House, but resisted pertinaciously by a small and determined minority. There might, of course, be great delay in passing such a measure, owing to that opposition; and, consequently, it might not reach the House of Lords till a late period of the Session. If the House of Lords, owing to its reaching them at so late a period, should throw out the Bill, there would be a great loss of time occasioned even to the House of Commons by its reintroduction into that House in the succeeding Session, because the minority might recommence their opposition, and endeavour to defeat it again by renewed discussion. At the same time, there was one objection stated by the right hon. Gentleman in which he entirely concurred—he meant in regard to the interposition of the Crown. By the first clause it was provided that the consent of the Crown should be signified to the adjournment of Bills. Now, this might prove a serious difficulty, because they might suppose a case in which a Bill was not pressed till a late period of the Session, when many Members might have left town under the idea that the Crown would not refuse its assent to its adjournment; but the assent of the Crown being refused, the Bill might be carried by the minority of Members remaining in town. He hoped, however, that the Committee to whom the Bill was to be referred, would present it in such a form as to obviate every just objection to it.

Amendment withdrawn.

Bill read a second time.

PLACES OF WORSHIP SITES (SCOTLAND) BILL.

Order of the Day for the Committee on this Bill read.

SIR J. GRAHAM would state very shortly the course which, as an individual, he intended to pursue in reference to this Bill. In a former Parliament, as well as during the present Session, he had taken the liberty of stating fully to the House the objections which he entertained to the principle of this Bill. Those objections remained unaltered, and, he believed, unalterable. He did not think that any modification the Bill could receive in Committee would remove the objection which he felt to its principle. Moreover, he did not think it expedient, considering that the House, after a full discussion on a former occasion, had decided in favour of going into Committee on the Bill, to obstruct the Speaker's leaving the chair, and to prevent those who were in favour of the measure from changing it as they thought fit. He believed that the Bill was resisted generally by the Established Church of Scotland, and he had reason to believe that it was resisted also by all the Dissenting bodies in Scotland, with the exception of the Free Church. He certainly would take no part in the discussion in the Committee, but should reserve any observations he had to make till it came out of the Committee in its amended form, when he would be prepared to resist its further progress at a subsequent stage; believing that, in addition to the support of the Established Church and the Dissenters of Scotland, he should then have the support of the Free Church also, in resisting the Bill passing into a law.

House in Committee.

On the 1st Clause being proposed,

MR. ELLIOT said, that as that clause at present stood, it would allow the members not only of every Christian congregation, but of every association whatever, who chose to take a religious form, to compel landlords to sell their land on which to build their places of meeting. Now, he wished to move an Amendment confining the operation of the measure to the relief of the parties at present labouring under the grievance complained of. Now, what was that grievance? That grievance was a single grievance, confined to a limited number of persons in certain localities. It was not a grievance which was suffered by the whole Free Church, or anything like the whole Free Church. It was confined to some twenty or thirty congregations, composed of some 12,000 or 14,000 persons. But the grievance was nevertheless a great and intolerable grievance, and one which called loudly for redress. That grievance had been represented to the House by their own Committee as an intolerable grievance; and in the present state of things it was actually dangerous to the health both of the ministers and of the congregations who were exposed to it. Through the winter and summer these congregations were at present compelled to worship in the open air, or, at any rate, under very insufficient covering—exposed to frost and cold and heavy falls of rain. He appealed to hon. Members how they would feel if they and their families were obliged to attend public worship under these great hardships, and if they had no remedy but that of absenting themselves from public worship altogether? He thanked God that his countrymen, under no hardship or deprivation, would do that. They would go to a place of worship even if they had to stand up to the knees in snow, and if they had no more comfortable place to go to. Every Member must see that that could not be done without very great danger to the health of those congregations; and it was impossible but that already many persons should have fallen victims to the refusal of these sites. This case was different from anything that could happen in England or Ireland, for in Scotland there were in the hands of a few proprietors properties that more resembled little sovereignties than private estates, some of them extending fifty or sixty miles in length; and it was impossible to get one acre of that land without the consent of the individual to whom it belonged. It had been objected that this should be the subject of a private and not a public Bill; but they had been engaged in that House in passing a measure for enabling land to be taken for securing the public health; and as that Committee had reported that the health of the congregations where sites were refused was suffering in consequence, this was properly made the subject of a public Bill. He did not rest this upon the claim of the Free Church, for that church had nothing to do with it, and he confined his remedy entirely to the grievance which had been reported by the Committee. That grievance was solitary, confined to a certain number of persons and certain localities, and he was sure was temporary only. His proposal, therefore, was that they should so legislate as that, the grievance being proved, they should give redress for that grievance only; and, that being done, that they should put an end to the law, and there should no longer be any remembrance of what passed. If they accomplished that end, he thought they would put an end to the ill feeling that now existed in Scotland on this subject. The hon. Member moved—

> " To leave out the words, 'the members of any religious congregation in Scotland,' in order to insert the words, 'any congregation or congregations of the Free Church of Scotland.'"

After a brief discussion,

The Committee divided on the question, that the words proposed to be left out stand part of the question:—Ayes 58; Noes 55: Majority 3.

List of the AYES.

Adair, R. A. S.
Anderson, A.
Baines, M. T.
Bellew, R. M.
Blake, M. J.
Boyd, J.
Brotherton, J.
Clifford, H. M.
Clive, H. B.
Cobden, R.
Crawford, W. S.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Devereux, J. T.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duncan, G.
Dunne, F. P.
Ellice, E.
Evans, W.
Fagan, W.
Fergus, J.
Forster, M.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Gordon, Adm.
Hall, Sir B.
Hastie, A.
Hastie, A.
Henry, A.
Hume, J.
Jackson, W.
Kershaw, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Meagher, T.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Mullins, J. R.
Ogle, S. C. H.
Perfect, R.
Prime, R.
Robartes, T. J. A.
Scully, F.
Sheil, rt. hon. R. L.
Stuart, Lord J.
Thicknesse, R. A.
Traill, G.
Watkins, Col.
Wawn, J. T.

TELLERS.
Bouverie, hon. E. P.
Ewart, W.

List of the NOES.

Adderley, C. B.
Anstey, T. C.
Bateson, T.
Berkeley, hon. C. F.
Bourke, R. S.
Buller, Sir J. Y.
Campbell, hon. W. F.
Cholmeley, Sir M.
Christy, S.
Colebrooke, Sir T. E.
Conolly Col.
Craig, W. G.
Denison, J. E.
Dod, J. W.
Duncuft, J.
Dundas, G.
Edwards, H.
Farnham, E. B.
Farrer, J.
Ferguson, Sir R. A.
Fortescue, C.
Frewen, C. H.
Greene, T.
Grey, rt. hon. Sir J.
Heald, J.
Hobhouse, T. B.
Hodgson, W. N.
Hood, Sir A.
Ingestre, Visct.
Lindsay, hon. Col.
Macnaghten, Sir. E
Matheson, J.
Meux, Sir. H.
Miles, W.
Morpeth, Visct.
Morison, Sir W.
Mure, Col.
Napier, J.
Packe, C. W.
Paget, Lord A.
Raphael, A.
Reid, Col.
Richards, R.
Russell, F. C. H.
Rutherfurd, A.
Sheridan, R. B.
Spearman, H. J.
Spooner, R.
Talfourd, Serj.
Thompson, Col.
Trelawny, J. S.
Verner, Sir W.
Verney, Sir H.
Wilson, M.
Wyvill, M.

TELLERS.
Elliot, hon. J. E.
Wortley, rt. hon. J. S.

MR. ELLIOT moved the insertion of the following clause:—

> " And be it enacted that this Act shall continue and be in force for the space of two years from and after the passing thereof."

Clause read first and second time. On the question that it be added to the Bill, the Committee divided:—Ayes 46; Noes 58: Majority 12.

List of the AYES.

Adderley, C. B.
Bagge, W.
Bankes, G.
Bateson, T.
Boldero, H. G.
Bourke, R. S.
Buller, Sir J. Y.
Campbell, hon. W. F.
Cayley, E. S.
Christy, S.
Colebrooke, Sir T. E.
Conolly, Col.
Dod, J. W.
Duncombe, hon. A.
Duncuft, J.
Edwards, H.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Fitzgerald, W. R. S.
Fortescue, C.
Frewen, C. H.
Gordon, Adm.
Greene, T.
Hobhouse, T. B.
Hodgson, W. N.
Hood, Sir A.
Ingestre, Visct.
Lacy, H. C.
Macnaghten, Sir E.
Meux, Sir H.
Mullings, J. R.
Napier, J.
O'Brien, Sir L.

Packe, C. W.
Paget, Lord A.
Richards, R.
Sheridan, R. B.
Spooner, R.
Thompson, Col.
Trelawny, J. S.
Tufnell, H.

Verner, Sir W.
Wilson, M.
Worcester, Marq. of
Wyvill, M.

TELLERS.
Elliot, hon. J. E.
Dundas, G.

List of the Noes.

Anderson, A.
Baines, M. T.
Barrington, Visct.
Berkeley, hon. C. F.
Blake, M. J.
Bowring, Dr.
Boyle, hon. Col.
Brotherton, J.
Cobden, R.
Crawford, W. S.
Dalrymple, Capt.
Davie, Sir H. R. F.
Duff, G. S.
Duncan, G.
Ellice, E.
Evans, Sir De L.
Evans, W.
Fergus, J.
Forster, M.
Fox, W. J.
Greene, J.
Hall, Sir B.
Hastie, A.
Hastie, A.
Hayes, Sir E.
Hayter, W. G.
Henry, A.
Hume, J.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.

Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Miles, W.
Milner, W. M. E.
Mitchell, T. A.
Pechell, Capt.
Perfect, R.
Phillips, Sir G. R.
Pigott, F.
Raphael, A.
Reynolds, J.
Russell, F. C. H.
Rutherfurd, A.
Scully, F.
Sheil, rt. hon. R. L.
Stuart, Lord D.
Stuart, Lord J.
Thicknesse, R. A.
Watkins, Col.
Wawn, J. T.
Williams, J.

TELLERS.
Bouverie, hon. E. P.
Ewart, W.

House resumed. Bill reported.

PARLIAMENT (IRELAND).

On the Order of the Day being read for resuming the Adjourned Debate,

Mr. REYNOLDS moved the postponement of the debate to that day three weeks.

Sir B. HALL wished to call the attention of the House to the course which had been pursued with reference to this order, which related to what was asserted to be a very important question—the repeal of the Union. That subject was brought before the House on the 11th of April by the hon. Member for the city of Limerick (Mr. J. O'Connell); and, after the speeches of that hon. Gentleman, of the Member for the county of Limerick (Mr. W. S. O'Brien), who seconded the Motion, and of one or two other hon. Gentlemen, the debate was adjourned. Now, those hon. Gentlemen had since absented themselves from the House; they had shown no further interest in the matter; and he thought the House ought now to determine whether the order should any longer remain on the books. He wished it to be understood that he did not cast the slightest blame on the hon. Member for the city of Dublin (Mr. Reynolds), who had been in his place whenever the order stood upon the Paper; but he did think that as hon. Gentlemen who had put themselves forward as the leaders of a great party—who had asserted that their proposal for the repeal of the Union was the only panacea for the evils of Ireland—and who had taken up the time of the House for a whole night in speaking on the subject—had since absented themselves from the House, and had not attempted to bring the question forward again, the House ought to determine whether the order should be discharged or not. The Motion was submitted to the House, as he had stated, on the 11th of April. The debate was then adjourned to the 10th of May, a day when the hon. Gentleman who proposed the adjournment must have known it could not come on, the Roman Catholic Relief Bill being the first order of the day, and four other orders of material importance intervening between that order and the order for the adjourned debate. If the hon. Gentleman had wished to bring the subject forward, he might have fixed it for the following Wednesday, for which, at that time, only one order was on the Paper; but no attempt was made to do so, and the debate was again adjourned to the 31st of May. On that day neither the mover nor the seconder was present; and as a matter of courtesy the order was postponed to the following day, in order that some hon. Member might fix a day for resuming the debate; and on the Motion of the hon. Member for Dublin (Mr. Reynolds) the order was further postponed to Wednesday the 7th of June. On that day the mover and seconder were not present; and they had now arrived at the 5th of July, three months after the Motion had been submitted to the House, without any attempt having been made to resume the debate. He, therefore, thought he was only doing his duty to the House in giving notice that, unless the hon. Members for the city and county of Limerick were in their places on that day three weeks, he would move that the order be discharged. Those hon Gentlemen had sometimes complained that they had no influence in the House; and if they conducted themselves in this manner, he was not surprised that they did not possess any influence in such an assembly. [*Cries of* "Move!"] No: he would not make the Motion now, for if he did so it would be said by some hon. Gentleman in Ireland, "Here is an English Member who, because we were not present, takes the opportunity to discharge from the Order-book an important Motion." He (Sir B. Hall) must say he thought this was a miserable exhibition, for there were not at present in that House a dozen Members connected with Ireland who were favourable to the proposition to which he had referred, and which was represented in Ireland as one of paramount importance.

MR. REYNOLDS must confess that there was much truth in the observations of the hon. Baronet. He begged to thank that hon. Gentleman for exculpating him (Mr. Reynolds) from any blame in relation to this matter. The reason his name had been connected with the various postponements of the debate was, that he had moved its adjournment, and had therefore a sort of official connexion with the question. He (Mr. Reynolds) wished to state, not only for the information of the House, but of the public, who felt much interest in this important national question, that he condemned the hon. Member for the city of Limerick for choosing the occasion he selected for bringing the subject forward. He (Mr. Reynolds) and several of his hon. Friends had remonstrated with that hon. Gentleman (Mr. J. O'Connell) against bringing the matter forward at that time. They stated that upon that Wednesday there would not be sufficient time to discuss the question; indeed, the hon. and learned Member's own speech occupied four hours, and the House on Wednesday could spare only six. It was impossible for him (Mr. Reynolds) to bring on the Motion on any of the other days for which it was fixed; and now it was half-past 4, and the House must rise at 6 o'clock, and not more than three Repeal Members were at that moment in the House. [*Cheers.*] He understood that cheer; the absence of the hon. and learned mover, it was to be presumed, would be satisfactorily accounted for hereafter; the seconder was absent, it was believed, in consequence of illness in his family; the greater part of the Repeal Members were at the assizes, and discharging great and important duties in Ireland; and under these circumstances he (Mr. Reynolds) thought he should not be doing justice to the subject if he were to ask the House to discuss it then. He, for one—and he did not mean to say that any of the Irish Repeal Members were disposed to shrink from the discussion of this question—he, for one, believed conscientiously that it was of all questions the one most calculated to confer benefit upon Ireland. If there was any intention to back out of the discussion, he was not aware of it; but, on consultation with the hon. Member for Tipperary, Mr. Maher, and the hon. Member for Kilkenny county, Mr. Butler — these hon. Members were unanimously of opinion that the debate ought to be postponed for a fortnight. The paper of that day fortnight being preoccupied, he had moved that the debate be deferred until that day three weeks.

MR. KEOGH looked upon the discussion throughout as a mere pretence. The quarrel between the hon. Gentlemen was "a very pretty one as it stood," and he was not inclined to interfere; but he was not at all disposed to join in exculpating the hon. Member (Mr. Reynolds). He (Mr. Keogh) happened to be in Dublin when that hon. Member, in his place in another Parliament — Conciliation-hall—informed his admiring audience, that there was to be found upon the repeal benches of the British House of Commons a greater amount of political rascality, a greater amount of political profligacy, than in like proportion had ever disgraced the sacred benches of Conciliation-hall. It was difficult, therefore, to blame hon. Members for not being in their places, to hear perhaps similar language applied to themselves. But there was another reason for not exculpating that bland demagogue the hon. Member for Dublin ["Order!"]—well, then, democrat ["Order!"] — he (Mr. Keogh) would apologise if he had used a word that was not consistent with the rules of the House—at all events that bland popular orator, bland only in that House; that was the only place where he had heard him speak in such mild and complacent language. When the hon. Member went back to Ireland for the recess, the first thing he did was to denounce his own supporters, and to say, "I give you notice that on the 31st of April—on the 31st of May, no matter what business may be on hand, no matter if I should be engaged in the Herculean labour of defending my seat, I will bring on the question of repeal." Said the hon. and learned Member for the city of Limerick, "I was always for taking an opportune time; my opinion is, that we should keep this awful, practical, tremendous question hanging, like the sword of Damocles, over the House of Commons; the surest way of carrying it is by never bringing it on: if we could get the House to an everlasting postponement, then, assuredly, the question would be immediately carried." Yielding to his illustrious chief, the hon. Member for Dublin, instead of carrying out his public declaration, absented himself on the 31st of May, and the debate was postponed. But the hon. Member's hands might have been tolerably full since then; and, indeed, this playing with the question, and deceiving the people of Ireland, was not alone to be attributed to the Repeal Members. The Gentlemen upon the Treasury benches had been lending themselves to the agitation in that country, and the Repeal Members had got encouragement and consolation in their difficulties from the Treasury benches. At the last general election the word given was, "Let there be a Whig returned if possible;" but if that could not be effected in any way, no matter what, then the power and influence of Her Majesty's Government were directed to the aid and support and to achieving the success of those men who had been for years confusing the state of Ireland, and keeping it in hot water. The right hon. Member for Dungarvon (Mr. Sheil) smiled; well might he smile; a speech of his in 1834 was not yet forgotten, in which he said—

> "Against drinking let the drunkard rail, let Crockford's Club preach against gaming, but let not a Whig Government complain of agitation."

By putting forward that cry of "repeal" men were only deceiving the country, and keeping out of this Parliament those who would be disposed to look to the real practical welfare of the people of Ireland. When the hon. Member for Dublin said that he looked upon this as a *bonâ fide* substantial question, he must be told that none of his acts or of his supporters in that House could lead a rational man to think anything but this, that the question of the repeal of the Union had been used as a false pretence to enable them to obtain seats in that House. By preaching up that cry, which unless put down once for all must inevitably lead to the dismemberment of this kingdom, he and his friends were deceiving the people of Ireland, and not holding a fair or upright attitude before the British House of Commons.

Question agreed to.

Adjourned debate deferred.

Mr. REYNOLDS moved the adjournment of the House. He saw clearly, during the delivery of the speech of the hon. and learned Member (Mr. Keogh), that he was overcharged with political combustible matter, and that it would be wise not to approach too closely to the great gun, for fear of personal injury from some of the scattered fragments. He (Mr. Reynolds) had long known the hon. and learned Gentleman, and never in the course of that long acquaintance knew him to be guilty of one act of public utility. There was an old Irish saying—"Put an Irishman on a spit, and you will get another Irishman to turn it;" on this occasion the hon. Baronet (Sir B. Hall) had put the hon. Member for Limerick (Mr. J. O'Connell) upon a political spit, and the hon. and learned Member for Athlone (Mr. Keogh) had turned it. The hon. Member was the turnspit; he wished him joy of his new appointment. The hon. and learned Gentleman had stated that certain Members of that House, whom he had not the manliness to name, had received comfort (it was that or some such word) and consolation from the Treasury benches. That insinuation he would like to hear translated into plain English, for he liked "open and advised speaking," and it was difficult to deal with poisoned insinuations of that kind. The hon. and learned Member talked about men owing their seats to the advocacy of repeal. Some impostors owed their seats to their pretended advocacy of repeal; but the majority of the Irish Members were sincere advocates of it. It was said that some Irish Members owed their seats to other and very different causes; that some had been sent in there through the influence of wholesale boroughmongers; and that the very money to pay the expense of their election had been sent from this country to Ireland, realising the expectation that the prosperity of Ireland was to be increased by the introduction of British capital. He would not say that any of that stream of English gold made its way to Athlone; but he should be glad to know what was meant by the statement that Irish Members received comfort and consolation from the Treasury benches. For his part, he received neither comfort nor consolation thence. He was under no obligation in that quarter. At all events, he had not been sent into that House for the purpose of distracting its counsels; he had not been sent there as "as a waiter upon Providence." He had not been sent there as an expectant lawyer, hoping for a change of Ministry, that he might pick up some of the small crumbs that might fall from the table of the future Prime Minister. He was there an independent Member. There were among those who returned him some sincere opponents of repeal, and he was not there solely because he was a repealer. He quite agreed that a great question of this kind ought not to be played with. If it was not to be followed up sincerely and steadily, it would be better not agitated at all. He was no advocate for keeping a teasing notice upon the book for the purpose that had been mentioned; and, unless the question was brought on that day three weeks, he would join in voting for the discharge of the order. Though he did not pretend to the transcendent qualifications of the hon. and learned Member opposite, he was as sincerely anxious for the prosperity of his country; and he trusted that since he had sat in the House he had done nothing to warrant the statement that he assumed a pacific and quiet tone in it, and a different tone out of it. He believed his tones in and out of it were the same. He was a sincere advocate for the restoration of the right of the Irish people to legislate for themselves; but he believed that to be perfectly consistent with a close connexion with this country; and if he thought the repeal of the Union could endanger the connexion with this country, sincerely anxious as he felt to carry the measure, he would as sincerely oppose it. He believed the interests of Ireland and the interests of England were synonimous, and that the closer the bonds of union between them were drawn, the more prosperous and powerful they might be. He had always advocated that doctrine in and out of the House, and he was not likely to alter his policy.

Mr. KEOGH would second the Motion for the adjournment of the House, in order to have the opportunity of saying a few words in reply to the hon. Member for Dublin. He seemed to have touched a sore point when he spoke of Repeal Members receiving comfort and consolation from the Treasury benches. When he made that allusion, it was not his intention to infer that any broad pieces had been disbursed to those Gentlemen, although since he last addressed the House an extract from a paper had been placed in his hands which went into some details respecting pounds, shillings, and pence; but he would not read it, because he had not touched upon the topic in his original observations. The hon. Member said he liked open and advised speaking, and therefore, he would state a few plain facts respecting the hon. Member and the Government. The hon. Member opposed Mr. Gregory at the last election for the city of Dublin, and although Ministers professed to be the uncompromising opponents of repeal, the first vote tendered for the hon. Gentleman was that of Her Majesty's present Attorney General for Ireland. Her Majesty's Attorney General was so zealous in the cause, that, not finding a deputy in the booth to take his vote, he pulled out his watch and called all present to remark that the polling-booth was not opened in time, which, he said, would be a good ground for petitioning if the supporter of the Government should not be returned. He could go further; he could produce a letter written by Her Majesty's present Attorney General for Ireland, who had recently conducted prosecutions against men who had only carried too far the principle tolerated in a modified form by Her Majesty's Government—he could produce under the hand of Her Majesty's Attorney General for Ireland—and if the assertion were not correct he would be answerable for it in his place in Parliament—a letter written on the morning of an election to the agent of a candidate, stating that although he (the writer of the letter) was not a repealer, he would much prefer the return of a repealer to a supporter of the right hon. Baronet the Member for Tamworth. He had stated what he knew to be facts, and he defied contradiction. The hon. Member for Dublin had contradicted point blank the words which he (Mr. Keogh) had stated him to have used in Conciliation-hall. The language ascribed to the hon. Member for Dublin in the public papers of Dublin was, that there was a greater amount of political profligacy and rascality on the repeal benches than ever disgraced the benches of Conciliation-hall, which had been rendered sacred by the presence of the Liberator. Immediately after he (Mr. Keogh) sat down, the hon. Baronet the Member for Marylebone confirmed the accuracy of the quotation, and expressed his regret that he had just sent to his residence the newspaper containing the passage, under the impression that he would not have occasion to use it that day. He trusted that after this explanation the House would give him credit for not having made an assertion which he was not able to prove. He could refer to at least twenty cases in which the Government in Ireland had pursued conduct precisely similar to that adopted by the Attorney General in these two instances which he had noticed; and he felt justified in saying that the Government, when it suited their purpose to do so, had been playing fast and loose with the question of repeal, while under the cover of repressing the violence of the leaders of that movement they had secured majorities in that House. The Secretary for the Home Department was in his place, and would perhaps feel it necessary to address the House in consequence of the statement which he had made.

SIR G. GREY said, that he would not have interposed between the hon. and learned Gentleman and the hon. Member for Dublin, who seemed to be very equally matched, had it not been for the very uncalled-for and unprovoked course which the hon. and learned Gentleman had taken in bringing a charge against the Government, supported by the most meagre evidence. The hon. and learned Gentleman referred to a vote which he (Sir. G. Grey) dared say was given on good and sufficient grounds. [MR. KEOGH: I did not say that the vote was given, but tendered.] He would take the hon. and learned Gentleman's statement to be correct, for he was bound to give credence to what a Member stated of his own knowledge; but the hon. and learned Member was not justified in founding upon the fact of a vote having been tendered for the hon. Member for Dublin a wholesale charge against the Government of throwing all their power and influence into the scale in favour of repeal candidates. The solution of the hon. and learned Gentleman's conduct was, perhaps, to be found in this circumstance—that, however solicitous he might have been to obtain the influence of the Government at his election, he found that they would not give it to him. He could only meet a general assertion by a general denial; and, in support of his denial, he might refer to the determined opposition offered to the election of his right hon. Friend the Secretary for Ireland by the members of that body to whom the hon. and learned Gentleman said the Government afforded comfort and consolation. Let the hon. and learned Gentleman bring forward and substantiate, if he could, a distinct charge against the Lord Lieutenant of Ireland; for to that nobleman the charge referred, because it was well known that the Irish elections were not managed in England. He protested against sweeping charges being brought against the Government, supported by nothing but vague declamation and general assertion.

Motion for adjournment negatived.

HORSHAM BOROUGH BILL.

Order of the Day for the Second Reading of the Horsham Borough Bill, read.

MR. BANKES moved that the Bill be read a second time.

SIR G. GREY thought it unnecessary to read the Bill a second time at that moment, because the House had already assented to the second reading of another Bill in which the case of Horsham was dealt with.

Debate adjourned till Wednesday next.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, July 6, 1848.

MINUTES. PUBLIC BILLS.—1ª Independence of Parliament (No. 2); Exchange of Ecclesiastical Patronage between Her Majesty and the Earl of Leicester; Payment of Debts out of Real Estate.

3ª Certificates for Killing Hares (Scotland).

PETITIONS PRESENTED. From Chelmsford, and Beaumaris, against the Sale of Intoxicating Liquors on the Sabbath.—From Members of a Lodge of the Independent Order of Odd Fellows, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From Salehurst, and several other Places, complaining of the State of the Turnpike Trusts throughout England and Wales, and for Relief.—From Birmingham, in favour of the Public Health Bill.—From Distillers of the County of Clackmannan, against any Reduction in the Differential Duty upon Rum, without an entirely new Distillery Act being passed.

ECCLESIASTICAL UNIONS AND DIVISION OF PARISHES (IRELAND) BILL.

The Queen's Consent signified.

Bill read 3ª.

EARL FORTESCUE moved the Third Reading of the Ecclesiastical Unions and Division of Parishes (Ireland) Bill, and, in doing so, explained to their Lordships the nature of some alterations made in the measure, by one of which the rights of the Crown and of private individuals—the owners of ecclesiastical property—were to be placed on the same footing.

LORD STANLEY rose for the purpose of calling their Lordships' attention to the Amendment of which he had given notice. If he could feel satisfied with the statement of the noble Earl, and that in point of fact the rights of the Crown and of private individuals would, by the Amendment made by the noble Earl, be placed on the same footing, he should have little to say on the subject. But so far from their being placed on the same footing, the complaint he made was, that by this Bill, for the first time, the rights of the owners of ecclesiastical property were to be set aside without their consent. Although ostensibly the rights of the Crown might be placed on the same footing as that of a private individual, yet really they were by no means placed on the same footing, inasmuch as what was to be done could only be done by the representative of the Crown, assisted by a certain number of the Privy Council, so that in every case the consent of the Crown must be given; but with regard to private individuals that was not the case. He felt he would not be doing his duty if he allowed a Bill of this kind to pass, for the first time, infringing on the rights of private property, without calling their Lordships' attention to the fact, and asking them if such an infringement on the rights of property would be sanctioned by them or not? It had been said that the rights of ecclesiastical property were different from the rights of other property, and he admitted that the rights of ecclesiastical property were subject to a responsibility which did not apply to the rights of other property; but that was the case only in a moral sense, and not in a legal sense. In a legal sense, the right of persons to advowsons was as great as to any other property, and as much the subject of bargain and sale; and they should no more compel a person to part with such property without his consent, than they would take from him a portion of his estate. Was a patron to be compelled to surrender and give up an advowson that he had purchased, and to be told that, as an equivalent for giving it up, he was to have a second, or third, or fourth turn in the presentation to the living? That, he considered, would be an infringement on the rights of property, and he, therefore, begged to move the following clause by way of Amendment:—

> "Provided always that nothing herein contained shall affect the rights of any patron in respect of any benefice to the patronage whereof he shall be entitled at the passing of this Act, or the patronage whereof he shall hereafter acquire by purchase, will, or inheritance."

The MARQUESS of LANSDOWNE said, after having given the matter all the consideration which he could, he saw no reason for altering his opinion with respect to the opposition which his noble Friend near him gave to the Motion of the noble Lord opposite. The interference to which the noble Lord had alluded, with respect to private property, had already taken place by Parliament requiring residence; and persons who purchased advowsons did so under the conditions imposed by Act of Parliament.

The EARL of WICKLOW could not concur with many of the arguments brought forward by the noble Lord opposite (Lord Stanley) in favour of his Amendment; but there was one that did strike him with much force. He could not agree with the noble Lord that this was the first instance in which Parliament had interfered with regard to lay patronage to ecclesiastical property; on the contrary, he thought that, in their legislation with regard to ecclesiastical subjects, particularly in Ireland, there had in every case been more or less some interference with respect to patronage, both lay and ecclesiastical. The noble Lord had stated it would be an injustice to the lay patron to be deprived of the right of presentation he now possessed. He (the Earl of Wicklow) confessed it would be a very hard thing, and an injustice, to the lay proprietor to be so deprived of it, and he did not think that an adequate equivalent was proposed to be given to him in return.

EARL FORTESCUE defended the Bill.

LORD STANLEY observed, that seeing that the feeling of the House was against his Amendment, he would not press it. He was quite satisfied to withdraw it, his principal object in bringing it forward having been to place upon record his opinion respecting what he considered a serious objection to the Bill.

Bill passed.

COPYHOLD ENFRANCHISEMENT EXTENSION BILL.

The Order of the Day having been moved for going into Committee,

LORD WHARNCLIFFE observed, that there had recently been a meeting of persons interested in copyhold property, who were of opinion that a plan might be devised which would effect the purpose intended by this Bill in a manner much less objectionable than that proposed by the present measure. Under these circumstances, he was inclined to think that the better course, by far, would be to postpone the Committee on the Bill for a few days, in order to enable the parties in question to consider the details of the subject, and to submit their scheme to the consideration of the noble and learned Lord who had charge of the Bill.

The DUKE of CLEVELAND concurred. The best course of all would be to appoint a Select Committee to consider the Bill; but if that were not done, the better course would be to postpone, as suggested, the further progress of the measure for a few days.

After a brief discussion, in which the Earl of STRADBROKE, Lord REDESDALE, and the Marquess of SALISBURY took part,

Committee put off.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 6, 1848.

MINUTES. PUBLIC BILLS.—1° Corn Markets (Ireland); Life Policies of Assurance.

2° Naval Medical Supplemental Fund Society.

PETITIONS PRESENTED. By Mr. W. J. Fox, Mr. Milner Gibson, and other Hon. Members, from an Immense Number of Places, in favour of an Extension of the Elective Franchise.—By Mr. Bright, from several Places, for Adoption of Universal Suffrage.—By Mr. Cobden, from Sandhurst, Kent, for Adoption of Vote by Ballot. —By Mr. Thompson, from Fleet and Holbeach, for Discouragement of Idolatry in India.—By Mr. Alcock, from Betchworth and Leigh, Surrey, and from several other Places, in favour of a Better Observance of the Lord's Day.—By Mr. Cowan, from Libberton, Edinburgh, in favour of the Places of Worship Sites (Scotland) Bill. —By Mr. Cobden, from Huddersfield, Yorkshire, for Inquiry respecting the Rajah of Sattara.—By Mr. George Thompson, from Manchester, for a Repeal of the Last Remnant of the Corn Laws.—By Sir W. Morrison, from Distillers of Clackmannan, against a Reduction of the Differential Duty on Rum.—By Mr. D'Eyncourt, from the Parish of St. Mary's, Newington, Lambeth, for Inquiry into the Bakers' Grievances.—From Inhabitants of Bethnal Green, and its Vicinity, complaining of the Conduct of the Police at Bonner's Fields Meeting.—By Mr. Brotherton, from Salford, Lancashire, in favour of a Secular Education.—From the Borough of Sheffield, for a Repeal of the Game Laws.—By Mr. George Thompson, from the Borough of Finsbury, for Inquiry respecting the Packing of Juries (Ireland).—By Mr. Monckton Milnes, from Justices of the Peace for the County of Norfolk, for Establishment of Reformatory and Industrial Institutions for Juvenile Offenders.—By Mr. Henry Drummond, from Guildford, in favour of a Reform in the Medical Profession.—By Mr. Cobden, from Coniston, Lancashire, for Retrenchment in the Naval and Military Expenditure; and against the Militia Enrolment.—By Lord James Stuart, from the Royal Burgh of Ayr, against a Repeal of the Navigation Laws.—By Mr. Deedes, from Guardians of the Milton Union, Kent, for an Alteration of the Poor Law.—By Colonel Matheson, from Officers of the Newton Abbot Union, Devonshire, in favour of a Superannuation Fund for Poor Law Officers.

WRIT FOR LEICESTER.

MR. STAFFORD had to move—

> "That a New Writ should be issued for the Borough of Leicester, for the Election of two Burgesses to serve in this Present Parliament for that Borough, in the room of Sir Joshua Walmsley and C. Gardner, Esq., whose Election had been declared void."

He had brought forward a Motion to this effect on a former occasion, but it had been negatived by an overwhelming majority. Since then, the evidence had been printed. The Election Committee made a special report, in which they stated—

> "That it appeared to the Committee that the system of bribery and corruption carried on at the last election for the said borough of Leicester, was such as to demand the attention of the House."

The former Motion had been resisted on the ground that the evidence had not been printed; but as he had little hopes that any Member of the Election Committee would take up the subject, he had felt called upon to do so. At the period of the last election for Leicester, 5,387 voters were on the register. At that election, 1,647 electors voted for Sir Joshua Walmsley, 1,602 for Mr. Gardner, and 1,403 for Mr. Parker. It would thus appear that the majority was by no means overwhelming. [The hon. Member quoted the evidence at great length, to show that systematic bribery prevailed in the borough—and then continued.] The Select Committee recommended the House to take the whole circumstances of the case into consideration; but no single step had been taken to do so hitherto. He therefore thought it his duty, some days since, to call attention to it, and to ask whether it was desirable that such a state of things should continue? But when he found that the hon. Member for Montrose had an adjourned debate upon reform of the national representation to be resumed that night, he could not resist the temptation of bringing the case of Leicester under consideration; for in the manifesto put forward by the party of whom the hon. Member was the mouthpiece, amongst other things demanded was, such an immediate extension of the franchise and rearrangement of electoral districts as would effect the enlargement of all electoral districts, especially in small boroughs, such as to insure electoral independence. Now, the borough of Leicester was not a limited or narrow borough, but a borough containing 50,300 inhabitants, and certainly sufficiently free from any aristocratical influences. He therefore thought it would be giving something of shape to a discussion which was somewhat too abstract, to place this subject before the House, and invite hon. Gentlemen opposite to say how they proposed to deal with it before their grand scheme could be carried out. He wanted to give them an opportunity of dealing with a practical question as practical men, and not as mere theorists. It was not sufficient for them to say that the case of Leicester was not germane to the question of their plan of reform under discussion. If they refused to enter into it—if they said they must not confine themselves to particular cases—if they said the scheme which they advocated was comprehensive, unable as they were to agree amongst themselves as to the amount or the extent at which the suffrage was to be fixed—if they said the case of Leicester should wait—he would reply that he had shown up to them a case from which they shrunk. He had shown them a case of corruption in a borough, the Members who were formerly returned for which were accustomed, one of them to take part in the debates of the House in support of hon. Gentlemen opposite, and the other to hold a most responsible office for them. He had told them of a case of corruption—of bribery—of intimidation; and he had shown them that those whom they called respectable were guilty of jobbing even in their magisterial offices, or at all events that they were not above suspicion. He called upon them, then, to show, before they proceeded to legislate for an empire, that they were prepared to deal with a borough such as that. The hon. Member concluded by submitting his Motion to the House.

Mr. SEYMER, as Chairman of the Select Committee, felt as strongly as any one could, the inconvenience which had arisen by Motions of the kind under consideration. He had come down determined not to oppose the Motion for the issue of the writ; but the hon. Member for North Northamptonshire, in moving for it, had given such a flowing description of the corruption of the borough of Leicester, that he now felt in a position of great difficulty. The want of some comprehensive measure to meet all these cases was felt on all hands. The law was at present in a most unsatisfactory position. If the House was of opinion that the writ should in the present case be issued, he would not oppose it.

Lord JOHN RUSSELL felt they had reached a period of the Session at which it was hardly to be expected that the measure brought forward by the hon. Member for the Flint Boroughs could be carried forward successfully. He would, however, take the question into the hands of the Government, and propose what he should think the fitting course for the House to pursue. Next week he would state what he thought the remedy should be. With regard to the present case, he would say, that he thought the hon. Gentleman who had been Chairman of the Committee had left the House in an unsatisfactory position, because the Committee had reported that the system of bribery at the last election for that borough was such as to demand the attention of the House; but they did not say, whether any portion of the electors ought, in their opinion, to be disfranchised, or whether any other measure ought to be taken, or any further inquiry instituted. He should be unwilling to vote for the issue of a new writ until some proceedings were taken; and he thought that the measure which he intended to propose should be adopted, unless, indeed, he heard from the hon. Gentleman that he had some measure to suggest with regard to the disfranchisement of any portion of the electors. He was of opinion that further inquiry ought to be instituted after the mode which it was his intention to suggest; but for the present he certainly should not vote for the issue of the writ.

After a few words from Mr. Seymer, Mr. Frewen, and Mr. Stafford, in reply, the Motion was withdrawn.

NATIONAL REPRESENTATION—ADJOURNED DEBATE.

Order of the Day read for resuming Debate adjourned from June 20.

Mr. OSBORNE:* The hon. Gentleman (Mr. A. Stafford) who last addressed the House, has not only favoured us with a series of dramatic readings, selected from the not very lively pages of a blue book, but has also recommended the exercise of perseverance as a cardinal virtue in the composition of a Member of Parliament. If I might be permitted to offer any commentary on that advice, I should say there was a twin quality of equal value worthy to be cultivated by the House, viz., the exercise of patience—a quality which I trust will be displayed in my favour in the course of the observations I feel called upon to make.

Amongst many arguments which have been made use of in the course of this debate, it has been asserted that the resolutions of the Member for Montrose are not sanctioned or favoured by the great body of the people; that his propositions are not only erroneous, but not popular. I have no means of estimating the popular feeling except by the petitions which have been presented, and I cannot help remarking, that however these petitions may differ in degree, all unite in praying for an amendment of the present system of representation; but, even granting that there is no great enthusiasm for the present plan out of this House, I should not the less have supported the general principles of the resolution, from a deep conviction that it is not only a measure of expediency, but of wisdom and justice, to amend the national representation of this country.

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* From a published Report.

And, whatever objections may have been urged against this particular plan, it must be satisfactory to the proposer to find that the distinguished men who have as yet spoken against the resolutions, have rather ridiculed the details than condemned the principles of his measure.

First comes the hon. Member for West Surrey in an ingenious speech, which has left it quite an open question which way his vote will be given, for though he hates the name of a Reform Bill, he reminded us that so far back as 1829 he had written in its favour, and that during the present Session he gave notice that he should himself submit another Reform Bill for our acceptance; he, therefore, is a disciple of progress. Then the noble Lord the Member for the City of London has seized this opportunity to dispel the unmerited calumny that he was hostile to further reforms. It now appears, that ever since 1839 he has seen the defects of his favourite measure, though hitherto he made no sign; but now, with a coyness not unbecoming in the head of an Administration, he hints, that if he be sufficiently squeezed and made a little more uncomfortable, he will, though without fixing the time, amend his great measure of 1832!

Lastly, the Member for Bucks, who, by sheer force of intellect and untiring energy has almost succeeded in communicating a galvanic life to the dead principles of Toryism, has expressly said, he is not to be considered as an advocate of finality; and though he will have nothing to do with your vulgar reforms instigated by the Wilsons and Thompsons, at Newall's Buildings, Manchester, he has no objection to participate in any agitation, promoted by a small party of gentlemanly men, headed by the "Stanleys and Richmonds," or to uphold "traditionary influences and large properties" from the rival Society of 17, Old Bond-street. In fact, finality doctrines, like the old stage coaches, have disappeared—all are for progress now-a-days; the only question appears to be, what is to be the pace, and who the drivers of the new vehicle?

The noble Lord objects in the outset to the form of this Motion—he says it is "vague" and "indefinite." Now, whilst I am of opinion, it would have been more politic, as a mere House of Commons question, not to have lumped all these measures together, and that a larger number of votes might have been obtained in favour of more general and less defined propositions, it is hardly consistent for the real advocates of further reforms to pick holes in a preliminary resolution; in fact, the hon. Member for Montrose is very much in the situation of the well-meaning man in the fable, who had the misfortune to possess two wives and a head of hair obnoxious to both ladies, the one objecting to his black, the other to his white locks, the result being that he was finally left without a hair. So, Sir, in the present instance, one supporter objects to the Motion because it includes ballot, another does not like household suffrage, and a third is averse to a more equal apportionment of members to population—each, like Mrs. Malaprop, has his "favourite aversion;" and if the hon. Member for Montrose complies with each, he will be left without any definite proposition.

The perspective ideas of reform which have been so dimly foreshadowed by the noble Lord, the allusions to a franchise founded on deposits in savings' banks, and educational tests, more properly come under the head of "vague and indefinite" promises. But the noble Lord has taken another exception—as to the period. He says, "This is not the proper time;" and let me remind the House that, whenever a Motion of this sort has been brought forward, no matter at what period, this answer of not being the "proper time" appears always to have been handed down as an heir-loom to the Treasury benches. In 1785, when Mr. Pitt first introduced his plan of reform, it was objected by Lord North that it was not the "proper time." In 1790, when Mr. Flood proposed his measure, Mr. Pitt, who had in the interim got on the Treasury benches, said it was not "the proper time;" and one Gentleman suggested that it should be "postponed for a century." The same objections as to "the proper time" were made to Mr. Grey in 1797, and to the noble Lord's own measures in 1822, 1828, and

1831. I cannot help thinking that, if there be one time more proper than another to amend and thereby strengthen your institutions, it is when the lowering horizon warns you of the coming tempest. This House has passed during the present Session measures of severity for "the better security of the Crown and Government;" it is therefore bound to show that we have other and more healing remedies, and that we do not rely alone on measures of coercion for the security of this kingdom. If, indeed, taxation were light, and the exchequer full, then we might point with satisfaction to the state of our constitution; but, with a heavily burdened people, an empty exchequer, and a Parliament apt to be careless of expense (for, be it remembered, this has already been the complaint of Ministers), it is high and proper time to amend our defective system.

The country complains that this House has become a mere taxing machine, and that the taxpayers have not sufficient voice in adjusting that taxation. The hon. Member for Bucks (Mr. Disraeli) has attempted to prove that this is entirely a mistake, proceeding from an "ignorant impatience of taxation;" that taxation has not increased, therefore there is no reason for complaint on that score, and he tells us all this in the face of an acknowledged deficiency of 3,000,000*l.*, and a distracted Chancellor of the Exchequer, baffled of his prey, and continually seeking whom he may devour! The hon. Member, speaking from memory, told the House that the total ordinary revenue of the financial year ending 5th January, 1828, amounted to 49,500,000*l.*; now, the total revenue of that year, according to the financial accounts, was 54,850,000*l.*! a slight mistake in the hon. Gentleman's statement of 5,380,000*l.* But, Sir, I am surprised that the hon. Gentleman should have selected the year 1828 as his *beau ideal* of taxation; let me draw his attention to the years 1835 and 1836, after the passing of the Reform Bill—what were the supplies then voted for the Army, Navy, Ordnance, and Miscellaneous Estimates? 14,123,000*l.*! whilst in 1848 they have been increased to 23,315,852*l.*! an increase since 1836 of upwards of 9,000,000*l.* in these estimates alone. But look at the comparative taxation of other countries:—in the United States taxation amounts to 9*s.* 7*d.* per head; in Russia to 9*s.* 9*d.* per head; in Austria to 11*s.* 6*d.* per head; in Prussia to 12*s.* 4*d.* per head; in France to 24*s.*; and in England to 2*l.* 12*s.* 6*d.* per head, exclusive of poor-rates, borough rates, and other charges of that nature. When the hon. Member stated that the working classes had no reason to complain, did he bear in mind what the working man pays in indirect taxation? For every 20*s.* worth of tea purchased he pays 10*s.* tax; of coffee 8*s.* tax; of sugar 6*s.* tax; of soap 5*s.* tax; of tobacco 16*s.* tax; and of spirits 14*s.* tax; and yet the hon. Member said the people were well off, and that taxation had not increased since 1828! In this country there is now raised, with the sanction of Parliament, more than any despotic monarch of any nation ever wrung from his subjects. When the hon. Member alluded to the reduction of taxation which had been made, he had not been quite fair upon the right hon. Baronet the Member for Tamworth. So long as I have a seat in this House I shall always be ready to pay the tribute of my gratitude to that right hon. Baronet for his statesmanlike conduct, and I am bold to say that the country looks upon him as the real and only administrator in this House. It is all very well to say that the cry for reform has been raised by paid agitators and hired lecturers (such a remark was well calculated to create a laugh in the House), but the hon. Member has confounded cause and effect; the paid agitators and hired lecturers are the effects and not the causes of public discontent.

The first point to be considered is—how far it may be expedient to enlarge the suffrage? and in arguing this I will not enter into any discussion as to the abstract right of voting. I take it that the object of all representation is that it should be a reflection of the intelligence, probity, industry, and wealth of the community; for this purpose some external test must be adopted; we cannot enforce the abstract claims of right which are abrogated by the first institution of society. I am of opinion, that by founding the qualification to vote on household or residential suffrage, you will admit a large body of men who are in every way qualified for the exercise of the franchise. I was surprised to hear the hon. Member for West Surrey (Mr. H. Drummond) affirm "that the great body of mechanics cared little and knew nothing of theories of government:" let him only look at the books which are published, the institutes which are built, and I feel persuaded I do not err in saying, that whilst the education of the upper classes has stood still, that of the mechanics and humbler classes has advanced; nay, that nine out of ten could give a better reason for their votes than many Members of this House. In 1822 the noble Lord based his measure for reform on the increasing intelligence and education of the humbler classes: will he affirm that in 1848 intelligence and education have not made enormous progress? But, Sir, it is not difficult to show, for those who are "guided by tradition," that the original right to vote was vested in all householders, not merely ten-pounders. (See Committee of 1623 and 1624). A Committee which had been described by Lord Brougham and by Mr. Hallam, the historian, as the most learned Committee that ever sat, consisting of Serjeant Glanville, Lord Coke, Mr. Selden, and Noy, afterwards Attorney General to Charles I., and other eminent men, generally known as Serjeant Glanville's Committee, declared in their first resolution that "all men who were inhabitant householders, resident within the borough, were entitled to a vote as well as freemen." Be it observed, all inhabitant householders, not 10*l.* householders alone. This household suffrage was advocated by Mr. Pitt in 1795, and by Lord Grey in 1817. In 1830 a Bill was brought into this House by Lord Blandford, and a very sweeping measure too, not only for the payment of Members, but for the admission of the clergy to Parliament, for electoral districts, and for household suffrage; and the noble Lord (Lord J. Russell) and some of his Colleagues voted for the introduction of that Bill. But a Cabinet Minister had given a very strong opinion on the point of household suffrage. In 1830 Sir J. C. Hobhouse moved this resolution:—

> "That no House of Commons will deserve the confidence of the people until the right of suffrage be extended to all householders paying taxes and parochial rates—until each Member is chosen by a proportionate number of electors—until the duration of Parliament is materially shortened—and until each elector, without hope or fear of private loss or gain, is allowed to vote by ballot."

Sir J. Hobhouse went on to say that—

> "The opinion of the wisest man in the world, Jeremy Bentham, was in favour of this proposition."

But, alas! since that period the hon. Baronet had followed the example of another "Jeremy," better known for his versatility than his wisdom.

But what peculiar virtue does the noble Lord and his Colleagues find in the 10*l.* suffrage? In the course of the present Session the noble Lord introduced a Bill, giving 8*l.* tenants-at-will a right to vote in Ireland; whereas, in this country, the 50*l.* tenant-at-will only has a right to vote. If he applied that principle to Ireland, for what possible reason was the 10*l.* vote preferred in England? I hope some Member of the Government will be able to give a distinct and definite reason for this difference. The hon. Member for Bucks (Mr. Disraeli) had gone very fully into this question, and had said he looked upon the suffrage not as a trust, or a right, but as a privilege. The truth is, the electors in one-half of the small boroughs look upon it neither as a trust, a right, nor a privilege, but as a perquisite! The new reading given by the hon. Member for Northamptonshire affords the House an insight into the motives and views with which these people regard the suffrage. There is a great deal of mock modesty among hon. Members with regard to bribery; I do not believe that half of them are sincere in their abhorrence of it. Is it not notorious that there are not twenty Gentlemen in the House who did not pay pretty smartly, and draw large cheques on their bankers, for the expenses of their seats in Parliament? Instead of taking some poor unfortunate wretch, who had taken a bribe for his vote, and thrusting him into Newgate, if the Government were sincere they would strike at the fountain-head. The origin of bribery had been ascribed to the Whig party, "as an expedient for counteracting the power of the landed interest;" and it is certain that the Tory party brought in the first Bill against bribery in 1729. The first charge of bribery on record occurred in 1571, in the borough of Westbury. Though the practice might have originated with the Whigs, it is now equally shared in by all parties in the State. A celebrated satirist had said —

> "Those who would gain the votes of British tribes,
> Must add to force of merit force of bribes."

This was written in the last century, and is equally applicable at the present day, if not more so. If hon. Members were sincere in all their fine speeches, and in the horror which they expressed of bribery, they had nothing to do but to extend the area of voting. I wish to guard myself against being misunderstood; for I think my hon. Friend (Mr. Hume) has been completely misunderstood, and probably a great many people are too anxious to misunderstand him, on the subject of electoral districts. All he proposes is to increase the area of voting. I, for one, will never be a party to swamping those local landmarks of my country — municipal institutions; but it is a monstrous and glaring iniquity that boroughs like Harwich and St. Albans should each send two Members to Parliament, and thus be placed on a par with such towns as Liverpool and Birmingham. Hon. Gentlemen are really not aware of the monstrous inequality of the present system. The Kensington district of the metropolis, comprising Kensington, Chelsea, Brompton, Hammersmith, Fulham, and Chiswick, contains an area of 8,440 acres, or 14 square miles; its rateable value is 484,000*l.*; its population 110,000; and it has a voting population of 18,345. It sends no Member to this House; while the little boroughs of Calne, Dartmouth, and Midhurst, with very small populations, each send one Member; and Harwich and Thetford, with very small populations, send four.

The House is bound, if it means to carry out its authority in respect to bribery, and is sincere in its horror of the practice, to take immediate steps for increasing the area of voting. The hon. Member for Bucks (Mr. Disraeli) had expressed great dread of Glasgow sending seven Members, and had dwelt on the superiority of the county he represented. I know something of that county. Mr. Pitt never sat for any place in that county as has been said by the hon. Member. Mr. Burke had been returned for a borough in Bucks by Lord Verney, who afterwards quarrelled with him and turned him adrift. I once had the honour of sitting for a place in that county (Wycombe), and will tell the hon. Gentleman who now represents that borough, that, had the voters had the protection of the ballot, he would not have been elected. There is only that one borough out of four in Bucks which is not open to undue influence, and it is sliding from its virtue—it has been wooed by "a gay seducer," remarkable for the beauty of his notes! The annual rateable value of Bucks is 674,000*l.*, and it sends eleven Members to Parliament. The annual value of Middlesex is 7,293,000*l.*, and it sends fourteen Members to Parliament. I might also instance Sussex and Lancashire; but the proportions are so ridiculous that the system defeats its own object, and fails to represent even the property of the country, for population and property are very nearly connected, and it is only in exceptional cases that they do not go together. Again, if this House wishes to put an end to bribery and intimidation (those Gemini! which were commonly born at the time of a general election), Members would consider the expediency of giving their constituents the protection of the ballot. All the arguments yet used in opposition to the ballot are founded more on sentiment than on reason. The noble Lord (Lord J. Russell) had referred to America, and said that "every man's vote was known there though they had the ballot." This is a proof that the ballot did away with intimidation and bribery, and hence a man was careless whether his vote was known or not. The noble Lord had also referred to the election of the National Assembly in France, where the ballot was resorted to, and this he seemed to think a clinching argument, which was to "fright the isle from its propriety." But under the former dynasty in France, out of a population of 34,000,000 not 200,000 men had voted for the election of deputies; and it was owing to the ballot alone that any independent men found their way into the Chamber. The superiority of the ballot has been proved in the recent elections in that country, for it was only by its protection that any men of Conservative principles could have been returned. The usual argument against the ballot is a sort of hustings declamation—that it is "un-English;" but is it not more un-English to traffic in votes, and make a poor trader vote against his conscience? Probably many Members are aware that the Committee of four who sat on the Reform Bill in 1831, consisting of Lord Grey, Lord John Russell, Lord Duncannon, and Lord Durham, recommended that the ballot should be introduced, and that the duration of Parliaments should be shortened. This cannot be denied. And when the Chandos clause was introduced in this House, Lord Althorp declared that it would be a great step towards rendering the ballot necessary; and Lord Grey used the same argument in the other House. I will ask those twenty Gentlemen who voted for the ballot in 1842, some of whom used very hard language towards the noble Lord at the head of the Government, whether any of them would be swayed for an instant by the arguments with which the noble Lord had opposed the ballot in 1848? Twenty supporters of the Government and two Cabinet Ministers voted for the ballot then. I hope they will be true to their convictions in 1842, and vote for it now.

The qualification of Members has not been touched on by the hon. Member for Montrose. This is by no means part of "our ancient institutions;" it is quite a recent innovation. In 1703, a Parliament, which was very jealous of the commercial classes, and desirous that all the power of the country should be vested in the landed gentry, passed an Act by which no man who had less than 300*l.* a year in land could sit in Parliament. This has been since altered by Mr. Warburton's Act. Mr. Macaulay, whether he were in the Cabinet or not nobody knew, had said—

> "It is no part of the constitution of the kingdom that a qualification shall be required; nor is it a part of the consequences of the Revolution. It was introduced by a bad Parliament, now held in no great esteem, for the purpose of defeating the Revolution and excluding the Protestant succession to the Crown."

What did the hon. Member for North Warwickshire (Mr. Spooner) think of that?

Another question is as to the duration of Parliaments. If ever there was a monstrous infraction of the constitution, it was in passing the Septennial Bill; it was one of the Whig jobs of the day. In 1715, the Whig faction of that time were very much afraid that the people were in favour of the Pretender; and they passed a Bill, which was not first introduced here, but in the other House, by the Duke of Devonshire, enacting that the then Parliament should last seven years. The Bill was opposed by the Tory party, but for no very good reasons. One of them, Sir John Barnard, opposed it because "he thought that country Gentlemen should always be returned to that House, and nobody else." But the House passed the Septennial Bill, a permanent remedy for a temporary occasion. They did more; they even proposed to continue that Parliament for seven years longer. If the noble Lord at the head of the Government looks through the records of the duration of Parliaments, he will find, that since the reign of George II., they have averaged five years and a half. The Septennial Act was a fraud from the commencement, and you who wish *stare super antiquas vias*, are bound to repeal it. I should have stopped here had not the noble Lord thrown out a challenge and denied that the Government of this country was carried on for the benefit of the aristocracy; and he quoted Tacitus! The hon. Member for Surrey (Mr. H. Drummond) also quoted *Dodd's Parliamentary Companion*, to show how many vulgar fellows without grandfathers were Members of Parliament. Well, I have consulted Dodd, and here are the results: I find, according to Dodd, that there are forty-two boroughs still subject to local influence; thirty-three are under the direct influence of Peers. Eighteen Members in this House represent eleven Whig Peers, and thirty-threere present twenty-two Tory Peers. And these forty-two boroughs have as much influence in the House as the cities of London, Dublin, Edinburgh, Liverpool, and Glasgow. But when the noble Lord says that Government "is not carried on for the benefit of the aristocracy," here is my answer, again according to Dodd. There are 6 Marquesses in this House! 8 Earls! 25 Viscounts! 36 Lords! 61 Baronets! and 12 Honourable Misters! There are altogether 274 persons connected with Peers and the aristocracy in the House, besides 44 officers of the Army, 8 of the Navy, exclusive of those who are officially connected with the Government, making, in the whole, 334 Members who are under the direct influence of the aristocracy. Let it not be supposed that I am attacking the individuals: I am attacking the system, not the men; and I say that the power of the aristocracy has increased, is increasing, and ought to be diminished. We have heard somewhat of family petitions in this House. Why, what is the whole foundation of the present Government in this country? Its foundation rests upon family arrangements. Nearly the whole Cabinet are related to each other by ties of birth or marriage. They form a snug family party! And they so far differ from another exhibition called the "Happy Family," that, whereas in the one case all the animals are distinct in species, in the other, whilst admitting the great knowledge and talents in individuals, you can only account for their ricketty offspring in legislation by knowing that the parents are all related.

So much for the constitution of the Cabinet. The same aristocratic element is visible in the subordinate officers; look at the Treasury bench in this House—it is occupied by either the scions or *attachés* of the great Whig families, chequered here and there with some statistical man of the people, just to give a popular tone to the composition; and if you find the representative of a large liberal constituency in in such company, you may be sure that his former principles have become sickly, and that his present associates have treated him as gipsies are reported to treat stolen children—"disfigured him to make him pass for their own." In short, turn where you will, whether in colonial management or diplomacy, it will be found that for the most part Government "has been carried on for the benefit of the aristocracy;" but the noble Lord says, the "Howards and the Stanleys are not to be precluded from holding situations;" allow me to suggest that the "Howards and the Stanleys" have as good a right (and no more) as others to hold places, and it is somewhat singular that few of the Howards or of the Stanleys are in public places. There are others there who have not such good claims, and who make a good thing of them. We do not complain that men of the name of Howard and Stanley have places, but we complain that "Lord Tomnoddies" are pushed into office, while other men of equal and perhaps better pretensions, but not of such high birth, are excluded. The present Government is a government of great families merely. Are the Members of that Government remarkable for any great or overpowering talents? Is the Colonial Office so well administered? Is the Financial Department so well attended to? Are you keeping your promises when out of office to Ireland? Are these the reasons why you are retaining your places? No; you are keeping them because none of the great families are prepared to take your places. You are keeping the Government because the people cannot make Lords of the Bedchamber, or get Lords in the other House to thump the red box! The people of this country only want a Government of practical men; and my conscientious belief is, that the hon. Member for Sunderland (Mr. Hudson) and others, who can manage railway boards equally well, are as well qualified to conduct the Government as the noble Lords who now form such a select family compact. The noble Lord, at the close of his speech the other night, quoted an American gentleman, who said that the British constitution was "so long and so strong." The noble Lord was caught by the rhyme. But in 1831 the noble Lord said that the constitution of this country had never been "settled for fifty years." Why was the constitution "so long and so strong?" Because it went with the spirit of the times:—

> "The constitution of this House, instead of being settled, inviolable, and invariable, was a constitution that never for fifty years together during a long period was at all settled." *

Before resuming my seat I cannot refrain from adverting to some remarks which fell from the hon. Member for Bucks (Mr. Disraeli). Towards the conclusion of his speech, he told us that he objected to any amendment of the representation, because it was promoted and favoured by the middle classes; and he went on to say, that the only possible Government in England, was one which relied on the use of "traditionary influences," and "the great properties round which men might rally." I beg leave to remind the hon. Member, who now talks so slightingly of the middle classes, that on a recent occasion when the peace and safety of this metropolis were threatened, the cool heads and strong arms of the middle classes stood between the "great properties" and revolution; it was to their existence you owe your present safety; that class, which, uniting the ornamental and polished superstructure to the more rude and solid foundation, is in fact the cement which ensures the stability of the glorious fabric; let the hon. Gentleman hear the eulogium of Lord Brougham on those middle classes:—

> "He spoke of the middle classes—of the thousands and tens of thousands of the middle orders of the State, the most numerous, and by far the most wealthy class in the country; for all their Lordships' castles, manors, funds, and acres, if brought to the hammer, and sold at fifty years' purchase, would kick the beam, when counterpoised by the wealth of the middle classes, who were the depositaries of sober, rational, intelligent, and honest English feeling; they were not to be browbeaten by classic quotations, and, as for an epigram, they cared for it as little as a cannonball; they were grave, intelligent, and rational people, who long considered a subject before they made up their minds upon it: he did not believe any thinking man could dream of the possibility of carrying on any Government in spite of those middle classes."

Then, Sir, as to those "traditionary influences" we are told of. What does the hon. Member mean by using this political Puseyism of tradition? I deny that the nobility ever exercised any "traditionary influence" in this House; true, there are certain traditions to be found in the musty rolls of the Parliamentary register—we read of a county Member having been superseded in his election because the Garter King-at-Arms could not discover the Member's coat-of-arms in the Heralds' Office!

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* See Lord John Russell, June 24th, 1831, on Reform Bill.

and that your predecessors, Sir, in that chair formerly sat in cocked hats! but when will you find that the aristocracy exercised a "traditionary influence?" The hon. Member well knows that the ancient nobles of this kingdom were killed off in the wars of the Roses—he well knows Henry VII. with difficulty collected twenty-eight Peers to sit in his first Parliament, and that even the most ancient of your modern Peers can only date their patents of preferment from men who were the panders and parasites of Henry VIII.!

Surely the hon. Member does not wish us to recur to the real "traditionary influence" which the Crown formerly exercised in returning Members to Parliament—when boroughs were created and corporations cashiered as it suited the designs or caprices of an arbitrary despot. Why, in the reign of the third Edward, Lancashire sent but one Member to this House; in that of Henry VII. the county of York had only two representatives! namely, for York and Scarborough. The county and city of Durham returned no Members till 1673; and the Members for Newark owed their seats to the last profligate Act of Charles II. This, Sir, was the "traditionary influence," as exercised by the Crown, and the effects would be the same as sought to be exercised by an ambitious oligarchy. Then as to the watchword of "rallying round the large properties"—the same cry was raised in the days of Cromwell. It is recorded by an historian of whom the country may well be proud—I allude to the lamented father of the hon. Member for Bucks—"that one troop of Charles's guards who fought at Edgehill in the great rebellion, boasted that their revenues were equal to all the Members who voted against them in the Commons' House of Parliament;" but we do not find that the "large properties" of that day were able to contend against the power of public opinion! And when the hon. Gentleman tries to "conjure spirits from the vasty deep," and points to the Tories of the days of Bolingbroke as examples to his own followers, he forgets that the Newdegates and Sibthorps of to-day have nothing in common with the Wyndhams and Shippens of the last century; he forgets that the old country party were linked together for the restoration of the Stuarts, and that with that ill-starred race their principles expired—

> "The knights are dust,
> Their good swords rust,
> And their souls are with the saints we trust."

But the hon. Member makes a last appeal to the gentlemen of England, as being "the proper leaders of the people." Sir, as a class, I respect the gentlemen of England; I reverence their sterling honesty, generous courage, and flowing charity, but I dispute that they have ever put themselves forward as the leaders of popular opinions. You may point to Hampden, but he was disowned by the gentry of his day; and to come down to more modern events, let me ask, who precipitated the American war? who resisted the repeal of the Test and Corporation Acts? who delayed Catholic Emancipation, and struggled, but in vain, against Reform? Why, Sir, the country party invoked by the Member for Bucks! and even during this present Session how have they been employed? Why, they have brought in a Bill which allows their tenants to shoot hares, and they have thrown out a great measure of emancipation which had for its object to strike off the last rusty links of persecution from a people who have groaned for centuries under the "traditionary influences" of bigotry and superstition! Sir, I, for one, deprecate the arraying of class against class: the best friends of civilisation are those who seek to unite all classes in a common bond; and as I believe, to use the words of a great historian and philosopher, that "it is the participation of numbers in the Government, and not in the name of republic as opposed to monarchy that constitutes liberty—and that true freedom is only consistent with the removal of all shackles on thought, education, and religion," I shall, in concurrence with these sentiments, give my humble support to the resolutions of the hon. Member for Montrose.

Mr. Serjeant TALFOURD said, though he was reluctant to intrude upon the attention of the House on subjects so momentous as those which the question brought before them, yet there were some circumstances attending his connexion with those by whom the measure was brought forward which made him still more reluctant to give a silent vote. At an early period of his life he felt an ardent sympathy with political reform—he sympathised with any and with every success in those measures for which the hon. Member for Montrose was so honourably distinguished — and therefore he could not offer, as he must do, an earnest and decided opposition to the resolution which that hon. Gentleman had placed before the House—he could not repudiate that picture in little of a revolution which it presented to his apprehension, without at the same time asserting the consistency of the course which he was about to take in declining to go farther in the path to which the hon. Member invited them. If he felt any real impropriety in the course he had hitherto pursued—if experience, and years, and the reality of events, had wrought any change in his opinions—he hoped he should avow that change without apprehension and without hesitation. But, believing that the course he was now about to take was consistent with the course which he had hitherto taken, he felt that it was right for one who had little to boast of beyond the moral harmony and consistency of his past and present views to explain them. In looking back for thirty years, he was enabled to embrace a comprehensive glance of the achievements that had been won to the popular cause, and of the additions that had been made to the popular strength—he called to mind the period when the nomination boroughs, even then more a scandal than a mischief, were defended by the most brilliant statesmen in that House as integral parts of the constitution of the country—when the municipal corporations were little better than a local aristocracy, where, from age to age, a self-elected body maintained possession of power—when he recollected that the statutes of a paper currency were maintained by the bloody execution of sanguinary laws—and when he recalled to mind that every attempt of the press to advocate the power of the people was repressed by frequent prosecutions and with severe sentences—cruelty awakened by fear—as if it were necessary to prevent a breath or movement from dispelling that dismal enchantment in which the rotten system stood spellbound; and when he considered the great alterations that had been made since then—when he thought of the power that was wrested from the aristocracy in 1832, and given to the people—when he considered that into the municipal corporations the popular element had been admitted—that the reform of the criminal law had been so extensive, that even the scent of blood scarcely tinges it now—when he considered that the press was not only free from prosecution, but even from annoyance—when he considered all this, he did not think it would be inconsistent to decline going further on in the same course, but in holding that it would be better to concentrate the power they had gained, and to use it for obtaining administrative reforms; above all, he thought they should use it for imparting knowledge, and that piety, without which knowledge was either a trouble or a curse to the mass of the people, which would prepare them for the exercise of their political rights in future times. He believed the first impression which the Motion of the hon. Member for Montrose would make was, that it was of a very miscellaneous character. There were four distinct reforms embraced in one resolution; and his first feeling in looking to the resolution was, a sense of the injustice that was done to those who might be prepared to sympathise with one or other of those changes, and who were compelled by this resolution to vote either for or against them all. But there was another circumstance that presented itself to his mind. He could not help perceiving that this was an attempt to emulate another, a larger, and, he must say, a nobler scheme. There were six points in the People's Charter, dealing more or less with these subjects; and this resolution seemed to have been formed on the same model, but in such a diluted shape as to induce the milder or more timid reformers to adopt it. The first point in this lesser People's Charter to which he would advert was the ballot; and he must confess he was struck with an admission in the opening speech of the mover of this resolution, that a large portion of the constituency, even as it at present stood, were so poor, so dependent, so open to the influences of money and power, as to require this artificial protection; and yet at the same moment that this confession was made, the hon. Member proposed to extend the suffrage still farther to this class, which he had described as so poor, so helpless, and so dependent. For himself, he must say, that looking to the ballot singly, and believing that defect in the position of the present constituency which the hon. Member had described to be true—believing that a portion of them were subject to those bad influences for which the ballot proposed a remedy, he, for one, would have supported that proposition. He believed, however, that the importance of the ballot had been exaggerated, both by its supporters and its opponents. He entirely disbelieved in the efficacy of its working—he disbelieved in the power of any mechanical contrivance to keep secret the most important act of the poor man's political life; but, as the social evil was so great, so unmitigated, so uncompensated, he would rather, believing this to be so, and looking upon the ballot to be no organic change, but a mere matter of detail—he would rather have supported the measure, though with little hope that it would effectually check the evil. But the hon. Member for Montrose told them, and his reason, if true, was the most effectual condemnation of his Motion, that if his new constituency did not receive this protection, the franchise to them would be prejudicial instead of a boon; and, he must add, if it were prejudicial to them it would be an enormous curse to the country, because it would consolidate that worst of all powers, the power of the purse, at the expense of hundreds of thousands of consciences, which would be deliberately submitted to its influence. Was it true that the constituency which it was now proposed to create, were really in that unhappy condition, that nothing but the protection of the ballot-box could prevent this new Reform Bill from becoming a curse instead of a blessing? and were they prepared to unsettle all the ancient institutions of the country, in the face of this admission that there was only the ballot-box standing between the chance of its proving a blessing or a curse to the country?—that the ballot-box, in fact, was to be the ark in which the new-born liberties of England were to drift through the storms and whirlwinds that encompassed them? He required no other admission than this to put the question to any man whether he was prepared to pass a measure which could only be efficient by the admission of its author, if the ballot-box was held up to prevent its being a curse instead of a blessing. His hon. Friend next proposed that there should be triennial Parliaments. Now, really this was so little of a practical change, and would have so little effect, that he believed every new Member would be happy to take his seat, for better or worse, on the condition that it was ensured to him for three years. But he confessed that here too he suspected his hon. Friend was emulating the greater Charter, which proposed annual Parliaments. Whether the shortening of Parliaments would be a good or an evil—whether like, the fabled giant, who acquired new strength every time he touched his mother earth—whether the House would derive new strength from a triennial visitation to their constituents, he was not concerned to discuss; what he was concerned with was, the evident marks of emulation which this plan bore to the greater scheme of the People's Charter, which it was proposed to supplant for a time—and, he feared, it would only be for a time. Then he came to the substantial parts of the resolution, which involved an increase of the franchise, and a new distribution of the electoral constituencies. Here he must admit that, if the scheme of his hon. Friend was at all to be like that which the family petitioners of his hon. Friend understood it to be, then there would be a terrible consistency between his scheme for extending the franchise to the mass of want and wretchedness that existed at the present time, and the tearing up of all ties that bound local constituencies together—all those feelings of affection and kindness that existed between the representative and the represented—all that gave a local character to local districts. But the hon. Member told his petitioners—for it was to be remembered that he had evoked a cloud of family petitions in favour of electoral districts—he told them, "I do not desire—God forbid that I should desire—to cut up the country into parallelograms." But the petitioners, by whose wisdom the hon. Member would have the House to be guided, understood the hon. Member as wishing to cut up the country into parallelograms. But now it turned out that his hon. Friend was conservative on this point—for every man was conservative on some point—and he told them that he did not intend to do any such thing; but that he had a scheme of his own, which should be theirs so soon as he was permitted to lay his Bill upon the table of the House; and, as the hon. Member could not expect his Bill to be introduced this Session, whatever its ultimate success might be, he dared to say the Bill was safe from criticism for this season at least. But what were they to think of a proposition which had been so loosely worded—he would not say so studiedly disguised—that its own supporters did not understand it? Then came the next and the last proposition. The resolution, as it was sent into the world, was so framed as to include all householders. He presumed there was no intention of practising a delusion with this word—but the word "include" was meant to indicate the drawing of a line of demarcation from those who were not householders; and accordingly in that sense it was understood by the petitioners. It was for household suffrage they prayed. That was the cry that was linked with the name of his hon. Friend (Mr. Hume); and household suffrage was the cry which had been got up through the country. If there had been a dinner—though he was far from insinuating that there was one—he would venture to say, that Hume and household suffrage was the toast of the evening. The babbling gossip of the air echoed the cry of Hume and household suffrage. But, in expounding the plan which he had introduced, the hon. Member had favoured them with an interpretation clause; and, certainly, strange as were the interpretation clauses which he had seen in Acts of Parliament, he had never seen any interpretation so singular as that which his hon. Friend had fixed to this plain old-fashioned English word. The hon. Member said—

> "By household suffrage I do not mean any man who holds a house, but any body that a house holds."

Household suffrage was evidently an endearing term to the parties who had sent up these petitions in separate coveys; but the hon. Member meant by the word everybody that had slept in a house, and excepted from his franchise only those who slept in gipsy tents; and why the hon. Member should except these he did not know, for they would add to the variegated grace of the scene, and they would not be the least independent of the constituency. But the reason which the hon. Gentleman gave for this interpretation clause was still more edifying than the interpretation itself—he had used the term household suffrage, he said, because the Gentlemen of the Committee, at whose suggestion he brought forward this resolution, agreed to use the term household suffrage, though they could not agree as to the meaning. And this was from the central wisdom of that body who had been agitating the country for weeks past upon a question regarding which they could not themselves agree, but which they wrapped up in language that was susceptible of any meaning that any one might think fit to put upon it. He did not consider, however, that his hon. Friend had shrunk from proposing household suffrage, because whatever it might have been in the time of the Edwards and Henrys, when the Crown, as his hon. Friend the Member for Middlesex remarked, nominated and governed this House, he would venture to say that household suffrage, though the sound was agreeable to their ears, was of all notions the most fallacious and absurd. That they should give to every man who was the father of children that he could not maintain, who occupied a roof in some squalid part of a crowded city, or who by the favour of the lord of the manor threw up a mud hut on a heath, which after the lapse of twenty years he perhaps would claim for his own—to give to such a father of a family, steeped in poverty to the very lips, and all the more abject and dependent because of the incumbrances of his family—to give him the franchise, and to exclude persons who with prudent forethought had postponed the enjoyment of the greatest blessings that can sweeten life until they were in a position to maintain a family—to exclude young men and clerks in the highest state of respectability, and to give it to squalid want, wretchedness, and misery, was certainly the most unreasonable of all schemes that could have been suggested. Those, then, were the schemes that were before them. There was one question which had not yet been answered, and which he should like to know. Supposing that this Bill was passed, did they intend it as a final settlement of the question, or was it only to be an instalment? If they intended it as a settlement, they knew that they were presenting to the House what would prove to be a mere illusion—they knew that it would not stand for a single year—they knew that the farther they extended the suffrage, the more bitter became the feelings of those who were excluded. Nay, more, they knew that the more they destroyed the anomalies that existed, the more bitter would they make the sense of exclusion. So long as the different variations of the franchise existed, the man who did not possess it felt no indignation. But if they made one definite line of demarcation, then the clamour would become tremendous: they would be able to tamper with the feelings of want and poverty no longer; there would be a new agitation commenced, and the country would have to go through another series of conflicts which no well-organised State could suffer or sustain. Therefore, to offer this measure to the Chartists as an instalment might be right; but to present it to the middle classes, who did not want the Charter as a final settlement of the question, showed, he would not say a want of honesty, but it showed a singular want of common sense. Not that he contended, as an everlasting rule for all time to come, for property as the only ground on which political power was to be exercised. He knew well that there was a nobler wealth than that of acres or of money—that there might be a deep attachment to the country—a humble but earnest love of her institutions—a pride in her ancestral glories—and a fine sense of her antiquities, existing in the bosoms of the humblest of her children. He knew that virtue and excellence connected the humblest dwelling with the skies. But it remained to him to consider whether they ought to grant the franchise to men without property, when the subject of legislation so often related to property; or whether they did not require the voter to be of nobler virtue—of a severer order of self-sacrifice—of the power to prevent the wish from becoming the father to the thought, than the mass of the people now exhibited, before they allowed them to legislate in a country where property was collected in immense masses, and where a large proportion of property consisted of an enormous mortgage to be sustained by the national industry. Far be it from him to say that these virtues were never to be found among the humbler classes. He believed that the patient endurance of suffering, the earnest desire for good, in which they themselves had little expectation to share, and which when detected, as it often was, beneath the lowly roof, made his heart to swell with pride at the thought that he belonged to the same nation with these heroic men—he believed that these virtues had often been shown. But if he were asked whether these virtues abounded at the present time, he must answer in the negative. The education returns answered "No." The annals of crime, which were fearfully increasing from year to year, answered "No;" and the history of recent outbreaks which transformed honest men into robbers and plunderers, confirmed the melancholy tale. Every conscientious statesman must feel how little education had been helped on—the education which was available, not for this world alone, but for that which was to come. If he could perceive any corresponding increase of the intelligence with the increase of power in the people since 1832, he would gladly support—not this Motion, not a Motion to give the franchise to man as householder or tenant, ratepayer or lodger, but to man as man—man impressed with the glory of his origin, the responsibility of his duties, and the grandeur of his destiny. The hon. Member for Oldham had attempted to present indications of that elevation in the humblest classes; and, although his hon. Friend had dilated on that great topic of his speech with congenial eloquence, he must say that to him it appeared wholly beside the question. The great instances to which his hon. Friend had referred, indicated nothing with respect to the masses of the people from whom they were selected. He had always thought that the seeds of genius were scattered by the great Author and inspirer of humanity with an equal hand amongst the humblest as well as the highest classes; every soil was congenial to them; they were developed as much on the mountain side as on the mountain top or in the lowly valley; and the most brilliant lights of genius belonged to the darkest ages and the lowest periods of civilisation. Was that to be supposed the most palmy state of Greece, because shortly after the Trojan war there arose a wandering minstrel, from whose harmonious numbers the greatest critics had drawn their rules, and after whose model the greatest poets had moulded their works? But the hon. Member for Oldham had referred to him (Mr. Serjeant Talfourd) in terms of the highest compliment, and had mentioned, as an instance, known to him, the name of Mr. Thomas Cooper, the author of the *Purgatory of Suicides*. Now, he did not withdraw one word of the praise which he had, on a former occasion, bestowed on Mr. Cooper; and he was glad to find that his poem had since attracted the attention of one of the most brilliant ornaments of literature in the present day—he meant the hon. Member for Bucks; but the hon. Member for Oldham had referred to this instance as a proof of the fitness of the class to which Mr. Cooper belonged for the elective franchise; and, surely, never was there an instance so destructive of an argument. He hoped and believed that a spirit more gentle and more wise now animated the philosophy of Mr. Cooper; but if he was called as a witness, he was bound to tell the truth, and the whole truth, and that truth was utterly destructive of the argument in support of which the example was quoted—for this was the Thomas Cooper who went into the Potteries of Staffordshire at a time when unhappy differences existed between the masters and the workmen, and presented to the workmen harangue after harangue, at a time when words became things, and when inflammatory words were answered, not by words of fire, but by deeds—by lighted torches and the destruction of property; and the fact was that those men rushed from the very scene where he had addressed them to the work of desolation and plunder. He threw the whole district for two days into a state of rebellion and lawless violence, until one of his victims—for he could call them by no other name—they thought themselves his proselytes—they were his victims—until one of his victims had been shot dead by the intrepidity of one of the soldiers who were called in. Then they paused and began to reflect; but the crimes of those two days occupied the Judges on a special commission for three weeks—and then this was the man who was represented as fit to be a moral teacher of this class, and these, his victims, as the fit recipients of the political franchise! He was obliged to confess that the history of the world showed that the great blessings to mankind were not gained by the masses, but by the wisdom and the virtue of the heroic few, too often enervated, and obstructed, and trampled on by the folly and corruption of the many. Did he, therefore, say that that must always be the case? Far from it. He believed that the time would come when the masses of the people might govern; but, in his opinion, the seeds of conservative progress would be best fostered by the preservation of our institutions in peace. Much they heard of the supreme power of the people; but was it not the power of the Cyclop, groping about in his cave, gigantic, but in darkness—a darkness not to be dispelled by the light of science, or the light of learning, but only by light from above. He would remind the House of some lines, in which the thoughts of Schiller were conveyed in the words of Coleridge:—

> " The way of ancient ordinance, though it winds,
> Is yet no devious way. Straightforward goes
> The lightning's path, and straight the fearful path
> Of the cannon ball. Direct it flies and rapid,
> Shattering that it *may* reach, and shattering what it reaches.
> My son! the road the human being travels,
> That on which blessing comes and goes, doth follow
> The river's course, the valley's playful windings,
> Curves round the cornfield and the hill of vines,
> Honouring the holy bounds of property!
> And thus secure, tho' late, leads to its end."

Before he sat down he wished to say a word or two on the subject of the petitions which had been presented to the House. He did not deny that there were a great number of petitions coming from very respectable sources, and signed by very respectable names; some of them had been signed by old reformers from habit and recollections of abuses of former days—others by those who thought that there were abuses to be remedied; many, no doubt, there were who felt great respect for the name of the hon. Member for Montrose, but very few who had any definite notion of what he proposed. He denied, however, that any true enthusiasm had been kindled throughout the country—except when a question had arisen between the Reformers and the Chartists—and he should have wondered if it had been. The thinking and prudent people of this country did not consider that at this time it was fitting to unsettle the institutions of the country. That there might be imperfections and anomalies in these institutions no man doubted; but at this time the mass of the people were averse to change. Even the number of petitions which had been presented would not have appeared if the Motion of the hon. Member for Montrose had come on at the time for which it was originally fixed; and those that had been since presented were nothing more than an answer to a speech which was never spoken. It had been supposed that the noble Lord (Lord J. Russell) had said that the people of England did not wish for reform; and then the petitioners came to say that they did wish for reform, at least they said, " Here is Mr. Hume's nostrum"—and some of the petitioners, he believed, prayed for whatever Mr. Hume wanted, and some for the resolution which had been moved; but it was quite clear that at this moment there was not any considerable number of English hearts who desired to enlist in this struggle. The general feeling of the people of England at the present time was one of humble gratitude for the institutions with which they were blessed, and of honest pride for the security of those institutions. At least, they felt that there was something in the word " stable "— something time-honoured — something which was worth living for, and, if need be, worth dying for—something which could not be conveyed in a resolution, but which was embodied in those institutions for which the prayers of thousands of Christian hearts rose daily to the throne of mercy. These were the institutions which not only afforded an asylum to the victims of democratic tyranny which was raging abroad, but which would remain as the models to which they must look when they desired to lay again the foundations of a renovated empire; and were they then, were the people of England, thus situated in the very Thermopylæ of the world—were they at such a moment to spend their time in that miserable tampering with institutions which had stood a thousand storms; and beneath which that very genius and cheap literature of which the hon. Member for Oldham had spoken had flourished and grown up? He should be sorry to live to extreme age to witness the dreary, vapid, and unmeaning changes to which this would lead. He abated no jot of hope for the progress of social and political improvement; he rejoiced in the anticipation of the time when the only condition of the franchise should be wisely to understand and rightly to enjoy it; but—he said it with shame and sorrow—he believed that at the present time the people of this country were utterly unfit to receive such a boon. Against this resolution of the hon. Gentleman, founded upon no principle, presenting no settlement, tending to a succession of unmeaning changes, he entered his humble but solemn protest; and he gave his voice against it with his whole heart, his whole soul, and his whole strength.

Mr. COBDEN said: I rise under great disadvantages to address the House after the hon. and learned Gentleman who has just sat down; and the difficulty of my position would be very much increased if I were called upon to address myself to this question in the manner, and with the eloquence and fancy, by which his speech has been distinguished; but I make no pretence to follow in such a track. I cannot help observing that the hon. and learned Gentleman has not given us any facts as the groundwork of his reasoning. There is one statement, however, made by the hon. and learned Gentleman on which the opponents of my hon. Friend the Member for Montrose seem very much to rely. The statement to which I allude is to this effect—that the wishes of the country are not in favour of the change which my hon. Friend proposes. That assertion, as we all know, was made by the noble Lord the Member for London. Now, it must be generally felt that this statement is of more importance than any other that has been uttered upon this subject. I am ready to admit that there is a diversity of opinion amongst the unenfranchised classes as to the nature and extent of the reform which they demand; but I will put it both to the noble Lord, and to the hon. and learned Gentleman, whether they mean deliberately to tell this House that the great masses of the people do not desire to possess any political power? Will they venture to utter any such libel on the people, as to assert that those who are excluded from all share in political power are so abject as not to desire to possess any portion of it? I should be sorry to believe such an assertion, and I must say I do not believe it—I should have a very poor opinion of my fellow-countrymen if I did. But there is this very important element in the question. If you admit that the people of this country do desire to participate in the franchise, then there are six-sevenths of the whole of the adult male population by whom this franchise is desired; and if, in addition to this, you are clearly shown that a large portion of the middle classes are in favour of bestowing this franchise on those six-sevenths of the adult male population, then I am entitled to say this is a most important element in the whole question. Now I call on the hon. and learned Member to analyse carefully the division list after this debate shall have been brought to a conclusion; and he will find that in proportion as the Members of this House represent the middle classes and the independent 10*l.* householders, so he will find their names recorded in favour of the Motion of my hon. Friend. I refer to this test in order to show that it is not true, as has been asserted, that there exists a hostile spirit on the part of the middle classes to grant any extension of political power to the masses of the people. I believe that a contrary spirit exists amongst the middle classes. These facts, for such they are, being admitted, what is the other assertion of the hon. and learned Member with which I have to deal? He stated that there had been no general petitioning nor any great meetings held amongst the people at large in favour of the resolutions of my hon. Friend. I have long been accustomed to watch the progress of opinion out of doors, and am perhaps from that circumstance better qualified than the hon. and learned Member to test the extent of public feeling on such questions as the present. I venture to tell the hon. and learned Member that there is a greater movement in behalf of these resolutions, and a movement more entirely divested of organisation, than has been manifested of late years amongst the people. I have counted the number of meetings where resolutions have been passed in favour of these resolutions, as I find them recorded in the *Daily News*, and I find their number amounts to no less than

130. I challenge the hon. and learned Member to deny the fact that the movement has been more spontaneous in favour of these resolutions than ever was manifested during the five years that the corn-law movement was going on; for I am ready to admit that the corn-law movement was galvanised as from a centre, and that the meetings on that question were held at the instigation and by the instrumentality of the men who were engaged in that movement; whereas the meetings held in behalf of my hon. Friend's resolutions have been spontaneous, and wholly divested of such extraneous stimulus. I do not say that all men are agreed upon this subject—that there are no diversities of opinion; but there is much less of this than those who resist my hon. Friend's Motion like to see. We have had petitions from those who favour the Charter, and from those who desire universal suffrage; and very many in favour of the particular plan upon which we are now speedily to divide. I have not anything to say against these petitions in favour of the Charter, or in favour of universal suffrage. I am not contending against the right of a man as a man to the franchise—I mean the right that a man ought to enjoy apart from the possession of property; but I feel I should not be justified in taking the line of argument adopted by the hon. and learned Gentleman, and by the noble Lord the First Minister of State, who addressed himself to the advocates of universal suffrage, and seemed to argue that they were more right than the advocates of household suffrage. If he intends to vote for universal suffrage, I can understand the force of that argument; but as I am not going to oppose universal suffrage, and as I do not stand here to support it, I leave him in the hands of the advocates of universal suffrage; and, judging by what has been done, they seem disposed to make the most of the argument which has been put into their hands. I will not occupy the time of the House in discussing this point further; but the hon. and learned Gentleman did not display his usual legal skill and knowledge in dealing with the question of household suffrage; for it certainly is not surrounded with the difficulties which the hon. and learned Gentleman has imagined. To judge from his speech, it would seem to be the law that no one except the landlord and occupier of a house enjoyed a vote in right of that house. Surely the hon. and learned Gentleman ought to have known that the Court of Common Pleas has decided that lodgers paying more than 10*l.* annually, and rated to the poor-rates, are entitled to be placed on the list of voters—that is to say, in cases where the landlord does not live on the premises; that is the state of the law as established by the Reform Act; and my hon. Friend seeks only a little to extend that privilege; it therefore can scarcely be considered a matter difficult of arrangement; the mere extension of the existing rule gets rid of all difficulty, and gives the franchise to prudent young men—too prudent to marry and take houses with insufficient means; to them, being lodgers, the plan of my hon. Friend gives the franchise. The law of the land already goes very near to do this. The allusion which the hon. and learned Gentleman made to the case of Cooper must be fresh in the recollection of the House. I am sorry he alluded to that part of Cooper's career, who, I believe, greatly regrets those events, and would be glad to forget the part that he took in the affair at the Staffordshire Potteries. I am sorry that the subject was introduced here; for we wanted no additional examples to prove to us that a good poet may be a very bad politician. Now, the Motion of my hon. Friend the Member for Montrose is, that he may obtain leave to bring in a Bill giving votes to householders, that is to say, to persons who are not only contributing to the taxation of the country, but to the rates for the support of the poor. He asks that they should have votes in the election of Members of this House. Now, the first difficulty that meets you in opposing such a scheme is, that we are acting on the theory that such is already the franchise of this country. The old constitutional theory is, that the Parliament of the country should be elected by the householders who are payers of taxes and poor-rates; and we ask, is that doctrine to be a sham or a reality? The people do not like shams; they will not have them any longer; they want realities. If this were a Government such as the hon. and learned Gentleman has shadowed forth—a sort of paternal despotism, which would first educate the people, and then give them the franchise—I could understand his argument; but the theory is, that the people have political power already, and that nobody is responsible, as the hon. and learned Gentleman in his poetic flights may imagine, for the task of preparing them to exercise the franchise. If there had been

such a responsible party, I think it would have been done long ago. I ask what danger can there be in giving the franchise to householders? They are the fathers of families—the persons who fill your churches and your workshops—in fact, the people of the country. Where is the danger, then, of entrusting them with the franchise? Our institutions! you cry. Why, I have always heard that our institutions live in the affections of the country. Are you afraid of the people being adverse to monarchical institutions? We constantly hear that the Queen sits enthroned in the hearts of her subjects. I have no such fears. I will tell you what I think the extension of the franchise will do. I seek no change in our present form of government. I say, once for all, God forbid that any change should take place in our form of government! If it should be changed from the monarchical form, I hope it may happen when I am not here to witness it, because if any advantage should be derived from the change, I am sure that the generation which will benefit by it will not be the generation which achieves it. I do not believe that the people of this country have any desire to change the form of their government, nor do I join with those who think that the wide extension of the suffrage of which we now speak would either altogether or generally effect a change in the class of persons chosen as representatives. I do not think that there would be any great change in that respect. The people would continue, as at present, to choose their representatives from the easy class, among the men of fortune; but I believe this extension of the suffrage would tend to bring not only the legislation of this House, but the proceedings of the Executive Government, more in harmony with the wants, wishes, and interests of the people. I believe that the householders, to whom the present proposition would give votes, would advocate a severe economy in the Government. I do not mean to say that a wide extension of the suffrage might not be accompanied by mistakes on some matters in the case of some of the voters; such mistakes would always occur; but I have a firm conviction that they would make no mistake in the matter of economy and retrenchment. I have a firm conviction that, if political power were given to the people, the taxation necessary for the expenditure of the State would be more equitably levied. What are the two things most wanted? What would the wisest political economists or the gravest philosophers, if they sat down to consider the circumstances of this country, describe as the two most pressing necessities of our condition? What, but greater economy, and a more equitable apportionment of the taxation of the country? I mean that you should have taxation largely removed from the indirect sources from which it is at present levied, and more largely imposed on realised property. This retrenchment and due apportionment of taxation constitute the thing most wanted at present for the safety of the country; and this the people, if they had the franchise now proposed, would, from the very instinct of selfishness, enable you to accomplish. Let me not be mistaken. I do not wish to lay all the taxation on property. I would not do injustice to any one class for the advantage of another; but I wish to see reduced, in respect to consumable articles, those obstructions which are offered by the customs and excise duties. You ought to diminish the duties on tea and wine, and other articles, and you ought to remove every exciseman from the land, if you can; and I believe that the selfish instinct—to call it by no higher name—of the great body of the people, if they had the power to bring their will to bear on this House, would accomplish these objects, so desirable to be effected in this country. Then, where is the danger of giving the people practically their theoretical share of political power? We shall be told that we cannot settle the question by household suffrage; and I admit that by no legislation in this House in 1848 can you settle any question. You cannot tell what another generation or Parliament may do. But if you enfranchise the householders in this country, making the number of voters 3,000,000 or 4,000,000, whereas at present they are only about 800,000, will any one deny that by so doing you would conciliate the great mass of the people to the institutions of the country, and that, whatever disaffection might arise from any remaining exclusion—and I differ from the hon. and learned Gentleman who thought that more disaffection would thereby be created—your institutions would be rendered stronger by being garrisoned by 3,000,000 or 4,000,000 of voters in place of 800,000? The hon. and learned Gentleman has expended a great deal of his eloquence on the question of electoral districts. Now, when you approach a subject like this with a disposition to treat it in the cavilling spirit of a special pleader, dealing with chance expressions of your opponents, rather than looking at the matter in a broad point of view, it is easy to raise an outcry and a prejudice on a political question. But, as I understand the object of the hon. Member for Montrose, it is this: he wishes for a fairer apportionment of the representation of the people. He said that he did not want the country marked out into parallelograms or squares, or to separate unnecessarily the people from their neighbours; and I quite agree with the hon. Member for Montrose, that his object can be attained without the disruption of such ties. The hon. and learned Gentleman dealt with this question as if we were going to cut up some of the ancient landmarks of the country, as the Reform Act cut up some counties in two, and laid out new boundaries. But I will undertake to do all that the hon. Member for Montrose proposes to do without removing the boundary of a single county or parish; and if I do not divide parishes or split counties, you will admit that I am preserving sufficiently the old ties. I must say that I consider this question of the reapportionment of Members to be one of very great importance. When you talk to me of the franchise, and ask me whether I will allow a man to vote who is 21 years old, and has been resident for six or twelve months, whether a householder or lodger, there is no principle I can fall back upon in order to be sure that I am right in any one of those matters. I concur with those who say that they do not stand on any natural right all. I know no natural right to elect a Member of this House. I have a legal right enabling me to do so, while six-sevenths of my fellow-countrymen want it. I do not see why they should not have the same right as myself; but I claim no natural right; and, if I wished to cavil with the advocates for universal suffrage, I should deal with them as I once good-humouredly dealt with a gentleman who told me he was one of three persons who had been engaged in drawing up the Charter. He asked me to support universal suffrage on the ground of principle; and I said, "If it is principle that a man should have a vote because he pays taxes, why should not, also, a widow who pays taxes, and is liable to serve as churchwarden and overseer, have a vote for Members of Parliament?" The gentleman replied that he agreed with me, and that on this point, in drawing up the Charter, he had been out-voted; and I observed that he then acted as I did—he gave up the question of principle, and adopted expediency. I say that, with respect to the franchise, I do not understand natural right, but with respect to the apportionment of Members, there is a principle, and the representation ought to be fairly apportioned according to some principle. What is the principle you select? I will not take the principle of population, because I do not advocate universal suffrage, but I take the ground of property. How have you apportioned the representation according to property? The thing is monstrous. When you look into the affair you will see how property is misrepresented in this House; and I defy any one to stand up and say a word in defence of the present system. The hon. Member for Buckinghamshire alluded the other night to the representation of Manchester and Buckinghamshire, and made a mockery of the idea of Manchester having seven representatives. Now, judging from the quality of the Members already sent to this House by Manchester, I should wish to have not only seven such Members, but seven times seven such. Now, I will take the hon. Member's own favourite county of Buckingham, for the sake of illustration, and compare it with Manchester. The borough of Manchester is assessed to the poor on an annual rental of 1,200,000*l.*, while Buckinghamshire is assessed on an annual rental only of 760,000*l.* The population of Buckinghamshire is 170,000, and of Manchester 240,000; and yet Buckinghamshire has eleven Members, and Manchester only two. The property I have mentioned in respect to Manchester does not include the value of the machinery; and though I will grant that the annual value of land will represent a larger real value of capital than the annual value of houses, yet, when you bear in mind that the machinery in Manchester, and an enormous amount of accumulated personal property, which goes to sustain the commerce of the country, is not included in the valuation I have given, I think I am not wrong in stating that Manchester, with double the value of real property, has only two Members, while Buckinghamshire has eleven. At the same time the labourers in Buckinghamshire receive only 9*s.* or 10*s.* a week, while the skilled operatives of Manchester are getting double the sum, and are consequently enabled to expend more towards the taxation of the country. If this were merely a question between the people of Buckinghamshire and Manchester—if it were merely a question whether the former should have more political power than the latter—the evil would in some degree be mitigated, if the power really resided with the middle and industrious classes; but on looking into the state of the representation of the darling county of the hon. Member, I find that the Members are not the representatives of the middle and industrious classes, for I find that eight borough Members are so distributed as, by an ingenious contrivance, to give power to certain landowners to send Members to Parliament. I will undertake to show that there is not more than one Member in Buckinghamshire returned by popular election, and also that three individuals in Buckinghamshire nominate a majority of the Members. If called on I can name them. What justice is there in, not Buckinghamshire, but two or three landowners there, having the power to send Members to this House to tax the people of Manchester? When this matter was alluded to on a former occasion, the hon. Member for Buckinghamshire treated the subject lightly and jocosely as regarded the right of Manchester to send its fair proportion of Members to this House; and that jocularity was cheered with something like frantic delight in this House; but I think this is the last time such an argument will be so received. I maintain that Manchester has a right to its fair proportion of representatives, and I ask for no more; and every word I have said about Manchester applies equally to Liverpool, Glasgow, Edinburgh, and all our large cities. I will now refer to the case of the West Riding of Yorkshire. That contains a population of 1,154,000; and Wilts contains a population of 260,000. The West Riding is rated to the poor on an annual rental of 3,576,000*l.*, and Wilts on an annual rental of 1,242,000*l.*; yet each returns eighteen Members; and when I refer to Wilts I find six of its boroughs down in *Dodd's Parliamentary Companion* as openly, avowedly, and notoriously under the influence of certain patrons, who nominate the Members. I hold in my hand a list of ten boroughs each returning two Members to Parliament, making in all twenty Members; and I have also a list of ten towns in the West Riding of Yorkshire which do not return any Member; yet the smallest place in the latter list is larger than the largest of the ten boroughs having two Members each. Is there any right or reason in that? According to a plan which I have seen made out, if the representation were fairly apportioned, the West Riding of Yorkshire should have thirty Members, whereas it now has eighteen only. We do not wish to disfranchise any body of the people, we want to enfranchise largely; but what we would give the people should be a reality; and they should not be mocked by such boroughs as Great Marlow, where an hon. Gentleman returns himself and his cousin; as High Wycombe, Buckingham, and Aylesbury; but there should be a free constituency protected by the ballot. With respect to Middlesex, the assessment to the poor is on an annual rental of 7,584,000*l.*, and the assessment of Dorsetshire is on an annual rental of 799,000*l.* Yet they both have fourteen Members, while the amount of the money levied for the poor in one year in Middlesex is as large within 6*l.* as the whole amount of the property assessed to the poor in Dorsetshire. The assessment to the poor in Marylebone is on an annual rental of 1,660,000*l.*, being more than the annual rental of two counties returning thirty Members. Why should not the metropolis have a fair representation according to its property? I believe that the noble Lord at the head of the Government did intimate suspicion of the danger of giving so large a number of Members to the metropolis as would be the result of a proportional arrangement. I am surprised at the noble Lord holding such an opinion, as he is himself an eminent example and proof that the people of the metropolis might be intrusted safely with such a power. I observed, that in the plan for the representation in Austria, it was proposed to give Vienna a larger than a mere proportional share in the representation, because it was assumed that the metropolis was more enlightened than the other parts of the country. Now, notwithstanding all that may be said to the contrary, I maintain that the inhabitants of your large cities—and of a metropolis especially—are better qualified to exercise the right of voting than the people of any other part of the empire; for they are generally the most intelligent, the most wealthy, and the most industrious. I believe that the people of this metropolis are the hardest working people in England. But where is the difficulty? An hon. Gentleman has objected to large constituencies on the ground that Members would then be returned by the middle and industrious classes, I say it is to them that the glory of this country is owing. You have had your government of aristocracy and tradition; and the worst thing in this country has been its government for the last century and a half. All that has been done to elevate the country has been the work of the middle and industrious classes. Whether in literature, in arts, in science, in commerce, or in enterprise—all has been done by the middle and industrious classes; and it is because I wish to bring their virtue, intelligence, industry, and frugality, to bear upon the proceedings of this House, that I support the Motion of the hon. Member for Montrose.

Mr. URQUHART: The question of Reform comes before the House in 1848 in a different shape from that in which it came before it in 1830. It was then a speculative question; we had no results to guide us; we had merely evils pressing upon us for which we sought a remedy. Amongst the remedies proposed, one was selected as the best; but at best it was an experiment. The question now comes before us with the addition of practice and experience, and rather in the shape of a failure of the remedy than in that of a cure for the disease. Unless the remedy had failed there would be no case at all. We have had sixteen years of a Reformed Parliament: the Motion of the hon. Member for Montrose is its condemnation. It has produced no fruits. We have therefore mistaken our way: the failure of a measure from which such enormous results were expected or apprehended, is the greatest lesson that has probably ever been read to a people. It has been read to us in vain. I will not follow the speakers who have preceded me into any abstract question of right—into any theory of representation—any calculation of property or population. I will look to practical results, and in those I will content myself with taking the case as stated by my hon. Friend the Member for Middlesex who opened the debate this evening. Replying to the arguments of the hon. Member for Buckinghamshire, he has shown that, instead of alleviating the burdens of the people, the Reformed Parliament has increased them; he has said, that "in a financial point of view, the present House of Commons is utterly useless." This is his argument for a new Reform. Could more sweeping condemnation be pronounced? That is what I came here prepared to prove. My hon. Friend has relieved me from the necessity of arguing my case. He has proved it for me, and then uses it as an argument for repeating the very experiment of which he proclaims the signal failure. On the first night of this debate, I was amused to hear it urged that Reform was now necessary only because the former Bill was by no means what it ought to have been. ["Hear, hear!"] The hon. Members for Birmingham and Montrose cheer the sentiment. They have, then, forgotten that they were foremost to raise a certain memorable cry, which was "the Bill:" but it went further—there was in the Bill nothing which they did not desire and adopt—they exclaimed "the whole Bill." But this was not enough. They excluded every other plan, project, purpose—they would have the Bill—they would have "nothing but the Bill." It was complete—it was all-sufficient. It was the measure of their political sagacity. It is useless to deny the fact. It is impossible to evade the conclusion. What is the first, the chief duty of this House? Is it not the holding the purse-strings of the nation? What is the source of all disorder in governments and in nations, if not irresponsibility in matters of account? Has it not been said, and truly said, that the battle of the constitution has ever to be fought around the Exchequer? Why was the Reform desirable in 1830? What were the very grounds put forward by the Reform Ministry? What was the flag which they used—what the motto they inscribed upon it? Reform—Non-interference—and Retrenchment. Reform was an abstract question; but non-interference and retrenchment were practical ones, and the abstract question was brought in to facilitate the advancement of the practical ones. The end in view was, that they should not abroad engage in that which was unlawful; that they should not at home do that which was extravagant. If the country was roused to a great effort to attain these ends, it could only be that they held the then Government and the House of Commons as engaged in a heedless, a ruinous, and a profligate course. What then shall we say, if, having made a great effort to correct these abuses—having succeeded in carrying the measure by which they judged that these abuses were to be corrected—having turned out one set of men and brought in another—they found that the condition of the country was worse than it was before, and that there was a contrast the most signal between the economy of the system which was put down because it was extravagant, and the extravagance of the new system which has been introduced because it was to be economical? What can this be called if not a deceit and a delusion? The cause is very simple. The people of this country having turned their attention seriously to the reduction of expenditure, were proceeding to effect great and beneficial changes, when they were diverted therefrom by misguided theorists or calculating demagogues; and that cry was raised for change of institutions which ever marks the powerlessness of a people to help or save itself: their attention being thereby diverted from their true business, they lost the benefit of their own asserted power. So it has been at all times, among every people, in whatever condition of civilisation, or of barbarism, whenever organic changes become the end. The real object of institutions is virtually abandoned, and the more the power of such a people, the worse is its condition. Either the excitement which is necessary to obtain the change disturbs their judgment, or the security which attends success lays prostrate their vigilance. Then arises a conflict of mere faction—of mere political partisanship—and an opportunity is afforded for designing men to seek their own advantage in the public loss. The hon. and learned Member for Reading has opposed this Motion upon the ground that it could not confer real benefit. I oppose it on the ground that it will bring positive injury. I appeal to experience. My hon. Friend opposite (Mr. Hume) is himself the impersonation of the old adage, *Tempora mutantur.* Compare his words and speeches in the reformed and in the unreformed Parliament: they do not seem to belong to the same man; unless we knew to the contrary, we might suppose the epithets interchanged. Reform has, I assert, corrupted this House, and changed its Members. It has given to the people a stone in lieu of bread, and taught them to be content with it. It has not done what was most easy and most desirable: it has done what was not desirable, and appeared most difficult. It has not accelerated the ebb of retrenchment, but arrested it and turned it to flood. It has transformed my hon. Friend from a staunch economist into the most vehement supporter, if not of extravagance, at least of the men who have been the most extravagant, and I may say the most profligate, in expenditure. My hon. Friend said in February 1828—

> "We are bound then, in the circumstances of the country, to reduce our expenditure, not by 17,000,000*l.* or 16,000,000*l.*, but to reduce it to that scale which would leave us such a surplus as would be efficient for the gradual reduction of our debt. If the House do not adopt this course, they cannot be said to know what they are about."

Again, he said—

> "A country must be mad which in a state of peace should go on from year to year consuming its income; and that it was the duty of the Legislature to look forward in time of peace to a possible state of war, and so to reduce the expenditure as to leave a considerable surplus for the reduction of the public debt."

At that time there was a certain fixed scale and standard to which all practical men looked, and that was the report of the Finance Committee of 1817, which had laid it down as a maxim that "it was impossible for the country to maintain its honour and integrity, save by a great reduction in the establishments." Another maxim of that unreformed time was, that the defence of the country was economy, and that the repayment in ordinary periods of "debts incurred under extraordinary circumstances, was as essential"—to use the words of the right hon. Member for Tamworth, in his speech on the Finance Committee of 1828—"to the honour and prosperity of a nation, as of an individual." The Finance Committee of 1817 reports—

> "As the duration and magnitude of the astonishing exertions made by this kingdom during the late war must mainly be attributed to the pecuniary resources then brought into operation, which could never be more justly deemed the sinews of war than during the whole course of that eventful contest; so these can be renovated and strengthened in no other way than by retrenchment and economy during the opportunity afforded by a return of peace."

Then followed in June, 1819, the resolutions of the right hon. Baronet (Sir R. Peel)—

> "That to provide for the exigencies of the public service, to make such progressive diminution of the national debt as may adequately support public credit, and to afford to the country a prospect of future relief from a part of its present burdens, it is absolutely necessary that there should be a clear surplus of the income of the country beyond the expenditure of not less than 5,000,000*l.*, and that with a view to the attainment of this important object, it is expedient now to increase the income of the country by the imposition of taxes to the amount of 3,000,000*l.* per annum."

Within a month, Sir H. Parnell moved his resolutions for retrenchment. At this time it was Parliament, the unreformed Parliament, that raised the question of reduction, forced it on the Government, and rendered it popular with the nation. Mr. Canning was not a reformer, in the vulgar and political sense of the word; but he was a reformer in the true and financial sense. In 1827, he declared that neither the appointment of a Committee nor the prorogation of Parliament should interfere with the determination of the Government to institute a searching inquiry into every branch, with a view to reduction; this preceded the great effort of 1828, and it is to be remarked, that from the Peace, the year 1828 was most filled with embarrassments and called for the largest amount of force. The Turkish war following on the Battle of Navarino; the Triple Alliance for the Levant; the Persian war, the Burmese war, and the events in the West Indies and in Portugal. Yet, then, was undertaken that system of rigid economy by which, in five years, a saving of nearly 5,000,000*l.* yearly outlay was effected, and the establishments reduced from 16,200,000*l.* to 11,000,000*l.* The right hon. Baronet (Sir R. Peel) then entertained the following sentiments :—

> " With respect to the Army Estimates, I have to inform the House that Government have under present consideration the propriety and practicability of effecting a considerable reduction in that branch of the public service ; in fact, they propose to reduce gradually the Army, so much as to have no more than 50,000 troops in pay."

Mr. Huskisson spoke of the necessity of sacrifices — " to assert the proud pre-eminence of Great Britain, and to maintain the balance and independence of smaller Powers"—and for that he required the application of the surplus, not to multiply defences, but to diminish debt. He required the minimum to be three millions, " to show"—these are his remarkable words — " not only an ability to make engagements in time of war, but also an ability to fulfil them in time of peace." What would he have said of deficiency with increase of expenditure and no thought of repayment, and a Government taking credit to itself in peace for not proposing a loan ? Had his hon. Friend in the Reformed Parliament ever spoken of paying off debts ? Had his hon. Friend in the Reformed Parliament ever spoken of the standard of 1792, for military establishments ? Had he ever referred to the recommendations of the Committee of 1817 ? No. The utmost that he had done had been to propose as a standard an expenditure of double the amount, forgetting altogether the discharge of debt. Reduction proceeded for some time after the Reform Bill was carried; but that was in obedience to the impulse of the nation, and to the character of the statesmen who then lived, and of those still living who had not yet changed; and if in 1835 the tide changed—if, to use the expression of the right hon. Gentleman the Member for the University of Oxford, the ebb then turned to flood—it is only because the public care was no longer given to practical measures, because engaged in speculative ones. What cause can be assigned for this lamentable change, if not this very Reform, which was to give us the very opposite fruits ? The power of the nation has been signally instanced on two occasions—Reform, and the repeal of the corn laws. It is, therefore, a matter which admits of not the slightest doubt that this nation has power to carry any measure upon which it has fixed its heart; and if a corrupt faction wished to preserve abuses, it would adopt exactly that process which has succeeded so well in placing noble and right hon. Gentlemen on the bench opposite, as well as in saddling an additional yearly expenditure on the country. I have lived a great portion of my life in countries called despotic, where the people have no visible power. I know from that experience that, under whatever form of government, the sense of the people must prevail—and that a Government can do wrong only when the people is in error. We, then, who wish to reform the State, must seek to fix the attention of the people upon practical matters; and we can do so only by showing them the hollowness of the empiricism which induced them to disregard what it was their bounden duty and first business to attend to, on the plea of getting for them more power. It is for the nation to work its institutions, not to rely upon them; and to subject them to the continual fact or fear of change is the way to make them worthless. Since the ebb, that is, the year 1835, the annual expenditure has increased by no less than ten millions yearly; and upon the whole a sum of forty-two millions has been lost by departing from that scale of 1835. If, however, the Reform Bill had not intervened—if they had gone on in the course in which they were engaged down to 1835, and had reduced their expenditure to the scale recommended by the Committee of 1817—there would have been an additional saving from that period up to the present of no less than forty millions; so that, on the one hand, by the arresting of the process of reduction, and, on the other, by the turning of the tide towards expenditure, we are subject to the loss, up to the present time, of eighty millions sterling; that is to say, to a sum equal to all we have expended upon the fruitless agitation to put down slavery. Formerly there was an ignorant impatience of taxation: these absurdities are now reformed, and we have become, as Clarendon remarks of the times of James I., "more dutiful to supply the exigencies of the Exchequer, than curious to inquire into the causes of deficiency." We have tamely submitted to what was considered peculiarly a war tax; we disputed about the mode of imposing it, indeed, but we had no curiosity respecting the causes of the deficiency. The right hon. Member for Dungarvon, speaking of the income-tax of 1842, says—

> "It will be strange indeed, if in a reformed Parliament—in a Parliament whose reform he to the last opposed—the Member for Tamworth should achieve that which in an unreformed Parliament with all his influence and all his plausibility Lord Castlereagh was not able to accomplish."

This may appear strange to the right hon. Gentleman; to me it appears exceedingly natural. The progress has latterly been in an accelerated ratio. Let us take the last three years of the Administration who came in by charging their antagonists with doing that which they had not done, but which they themselves have done, and compare these three years with the preceding three years of the administration of the right hon. Baronet (Sir R. Peel), and a contrast will be found fit to fill one with astonishment or despair. In the three years from 1843 to 1845, the public money received was 152,000,990*l.* From 1846 to 1848 it was 156,000,151*l.*, the difference being 3,161,000*l.* Upon the account with China, in the former three years, there was more expended by 2,359,000*l.*, and less received in the latter three years by 297,000*l.*, making a difference of 2,612,006*l.* Upon the account of the public debt, and Exchequer-bills, the three latter as compared with the three former years exhibits a gain of 1,695,000*l.* In all, there has been a larger sum in hand for the latter as compared with the former three years of 6,947,822*l.* Now, let us look at the deficiency. [Mr. J. B. Smith: Question!] The question we were examining is the consequences of the Reform Bill, and part of those consequences we have in hand—the financial one; and the hon. Gentleman calls "Question!" I believe it is for the hon. Gentleman and his Friends a very annoying question which I am raising, and more easy to dispose of by a cry, than to answer by an argument. I was upon the point of mentioning that the faction—the Whig economical and reforming faction—of the hon. Gentleman found on their accession to power a balance in hand of 6,342,436*l.*, and that they had presented at the beginning of this Session a deficiency for the estimated year of 3,092,285*l.* There was, therefore, with the balance in hand a deficiency to be put to their account for those three years of 9,434,721*l.*; and deducting the extra expenditure of the Caffre war, and Irish distress, which amounted to 2,757,000*l.*, there remained a difference of expenditure in excess between the years 1846, 1847, and 1848, as contrasted with 1843, 1844, and 1845, of no less than 13,625,543*l.* A more lamentable failure the world had never seen; and if, in the words of the hon. Member for Montrose, the nation must be mad—and he was speaking of 1828, of the virtuous and reforming period of 1828—if the nation must be mad that does not provide in peace for the redemption of engagements which it had incurred during war—what must be said of the sanity of a people that plunges in peace at once into perfect forgetfulness of its war engagements, and into the most lavish and profligate expenditure, on the very plea of economy and reform? Now, those who supported this measure spoke as if to them belonged the advocacy of popular rights. There is no man in this House who goes to the extent to which I go, in advocating popular rights. I wholly and entirely deny that those are advocates of popular rights who seek to enlarge the representation of this House. A Member of the present Administration, on a former occasion, has said that he attributed all the evils of England to the House of Commons; but he qualified the expression by the word "unreformed." I believe that no unreformed House of Commons has gone to the same length in producing evils in this country as the reformed House has gone. If, indeed, the power of this House signified the rights of the people—if, indeed, the measures of this House could be designated law, justice, and wisdom, then should I look to extending the basis of its authority by multiplying the number of constituents, as a great and beneficial measure; but as I hold it to be exactly the reverse — as I hold this House, whether reformed or unreformed, to be the source of the evils of the State—as I know no injury from which England can suffer except statutes of Parliament—as I am strengthened in that conviction by the authority of some of the greatest men who have ever lived, who have declared that England could never fall but by her Parliament—then must I look to restrict, in as far as I am able, the basis of this usurped authority. The hon. Member who opened the debate has referred to the subserviency of this House in former ages: the subserviency of this House then could not sacrifice the liberties of England, and for this simple reason, that each community had to decide and act for itself, and had the thought and power of doing so, and, therefore, was it that they had seen during the course of a thousand years a continuous system preserving itself in power, and the people in well-being—during a thousand years no victorious army had established a despotism, and no subservient Parliament imposed a debt. So far from desiring then to have a seat or to have a representation in this House, the service of this House was looked upon as an onerous duty—it had neither become the source of influence, not corruption as it was to-day. These are my views of supporting and extending popular rights, in direct opposition to those advocated on the other side. It is not that a few more should have a voice in electing or should have purchase-money for their votes—that, in my estimation, is the extension of popular rights. Those rights could be extended only by being restored. We have usurped them. If you are honest, surrender and give back on the one side to the Crown the executive power—on the other to the people the decision and the control in every measure which the Crown submits. Popular right in your sense is acquisition of popularity; in my sense it is justice and abnegation. It is then argued that it is unfair to withhold from the people what they desire. The people of England desire good and economical government, and failing to get that they unhappily are diverted by agitators to seek it by indirect means. The desire of the people to be represented in this House is an argument against their conduct—and a condemnation of the present proposition. Is there a population more loyal than the inhabitants of the Channel Islands? Are they ambitious of sending Members to this House? Is it not, on the contrary, their pride and their privilege to be freed from such "perquisites" — they protest whenever a law manufactured in this Assembly is sent over to them. But I deny that it is called for: the present is a bastard reform movement; and the people of England must have sunk even much lower than I imagine they have if they are a second time to be taken in by a stale contrivance such as this. Then it is said that representation should go hand in hand with taxation. In this I entirely concur; but I look to the curtailing of taxes by economy, not justifying them by representation. To remedy the evils from which the country suffers we have but one course, and that is to look back to past practice. The *stare super vias antiquas* was the remedy—the controlling of every penny of public expenditure was the means. That duty had been literally enforced, at least comparatively so, until the reform agitation began; and therefore, as pointing at once to the source of our recent failure, and to the real remedy which the nation has to seek, I move as an Amendment—

> "That experience has shown that change in the constitution of Parliament has failed to obtain the ends for which it was desired, and with which it was originally conjoined—non-interference and retrenchment."

MR. ANSTEY would second the Amendment as explained by his hon. Friend, though there was a mistake in its wording, which would be rectified by substituting "desirable" for "desired." He could have wished to see the hon. Member for Montrose follow out the views indicated by the Bill for the better administration of rates and taxes, which the hon. Member some years ago proposed. It was a remarkable fact that a measure of reform much more extended in its character than that which was finally adopted, was brought before the Grey Cabinet at the instance of the late King; but it was cut down by the noble Lord. It was with great delight that he had heard from the heir-apparent to the leadership of the Reform party, the deputy-chairman of the Member for Montrose, a statement of the circumstances which led him to support the Motion of the hon. Member for Montrose, though he looked with suspicion on everything proceeding from that school, and feared the hon. Gentleman *et dona ferentem.* But in one of his most belauded addresses the hon. Member for the West Riding of Yorkshire (Mr. Cobden) thus expressed himself when he first adverted to that great and general measure which, as a supporter of the Chairman of the Reform party, he had come here to advocate :—

> "The examples held forth to us by the Americans of strict economy, &c., and of other public improvements, may, and indeed must, be emulated by the Government of this country, if the people are to be allowed even the chance of surviving a competition with that republican community. If it be objected that an economical Government is inconsistent with the maintenance of the monarchical and aristocratic institutions of this land, then, we answer, let an unflinching economy and retrenchment be enforced—*ruat cœlum.*"

Why tell the people at one time that they reckoned the maintenance of monarchy and aristocracy an essential point, and at another tell them that the real object was to accomplish something else, in comparison with which the maintenance of monarchy and aristocracy was but a secondary consideration? Measures had been passed in derogation of the rights of the people which he would readily join in abolishing. But he would proceed inversely—go back from the last to the first—and if the hon. Member would bring in a Bill for the repeal of the Reform Act he would cordially second the Motion.

MR. L. KING, as a new Member, begged, for a few moments, the indulgence of the House. He would not take up the time of the House by replying in any way to the hon. Members the mover and seconder of the Amendment; he would only say, that there appeared to be a general feeling that that Amendment was ill-timed. He thought that the hon. and learned Member for Reading (Mr. Serjeant Talfourd), in the course of his remarkable and eloquent speech, had entirely forgotten on what principle the Reform Bill was supported and passed. He had always understood it to be this—that as great complaint existed that great masses of the people, who contributed largely to the exigencies of the State by the payment of taxes, and by the consumption of articles that were heavily taxed, had no voice whatever in the election of Members to serve in Parliament, the old principle of the law of England that no man should be taxed without his consent was then to a considerable extent recognised. Well, he believed, that the grievance and complaint which existed in 1832, existed now, perhaps, to as great an extent as then. He felt certain that population, wealth, and intelligence, among the classes that still remained unrepresented, had increased in a most wonderful manner. Trade, shipping, steamboats, to say nothing of railway enterprise, had created sources of wealth and intelligence in those districts where poverty and ignorance existed before. In the great centres of our manufacturing industry there was a numerous and intelligent class deeply anxious for political rights, in common with their fellow-countrymen. He, for his own part, rejoiced in that anxiety. He entertained no fear that those who were thus anxious to obtain the rights of free men might not as safely be trusted with the power they wished for as the influential classes who had already obtained them, and that the interest and welfare of the constitution would not be promoted by admitting them within its pale. By this means he thought the House would more effectually promote the welfare and interest of the Crown, than by passing such Bills as that which was known by the name of "the Gagging Bill," which, after all, he could not bring himself to believe was not intended by Government as a mere temporary measure for Ireland until other measures of a conciliatory nature were prepared for that unhappy country. What had saved this country from the revolutions which had affected and were still daily affecting other parts of Europe? It was the Reform Bill, which had, to some extent, palliated the evils that existed. We had profited by the French Revolution of 1830, for through it we had obtained the Reform Bill, and a vast number of other highly beneficial measures. France, on the other hand, made a far greater nominal change than we had, for she deposed the king, and placed upon the throne what she called a "Citizen King." She also had what she termed her "three glorious days;" and what had been the result? While we had made progress, France had found that from 1830 until February, 1848, she had remained in the same state. Imperfect as the Reform Bill was, it admitted a great principle—a principle which he hoped to see fully carried out—he meant the disfranchisement of small boroughs, for whether corrupt or not, he maintained that they did not represent the opinions of the people of this country. Look at boroughs with a population of 5,000, with a constituency not exceeding 200, or even 150 electors, returning one or perhaps two Members to serve in that House. Comparisons, he knew, were odious; but he could not help referring to Harwich, with the same number of Members as Liverpool; and to Thetford, with the same number as Manchester. Details of that kind were monstrous. They were opposed to common sense, and, above all, to natural justice; and he felt sure that ere long these small boroughs would be compelled to join their elder brethren of Schedule A in the Reform Bill, and to sink into the insignificance they so well merited. They would perhaps be rejoiced and grateful to the Legislature for it when they ceased to be the disgrace and the laughing-stock of this mighty empire. It had been said, that through the system of small boroughs men of talent had found their way into that House; but he would ask, were there no instances of popular constituencies sending practical and useful men into that House? He might say at all events that if through small boroughs men of talent had found their way into that House, it was just possible that through the very same channel selfishness and corruption had found their way there also. The reports of Election Committees, and the mere fact of that ill-fated Bill which was now before Parliament for facilitating the means of inquiry into the corrupt practices at elections, proved to his mind that wealthy men who, to serve their own purposes, buy the electors to-day, would be equally prepared when it suited their purposes to sell them to-morrow. The numerous instances of corruption, and the small extent of the franchise, called loudly, in his opinion, for an extension of the suffrage; and he hoped he might be pardoned also for observing that, in the acts and votes of that House, he thought he could see a disregard of the interests of the people; and particularly when he looked at the enormous annual expenditure. With reference to the Motion before the House, he begged to say that it would have been better in his poor judgment if the hon. Member for Montrose had confined it to the extension of the suffrage, and the other points would have followed in their natural course; but as the Motion had been submitted in that form, he had no hesitation in voting for it.

Mr. O'CONNOR: Having been connected for many years with the larger question which had been incidentally brought into the discussion of the Motion of the hon. Member for Montrose, he thought he might claim the indulgence of the House while he gave his opinion on the question before them. He might have risen under greater difficulty than he now experienced, if it had not been for the admission of the noble Lord (Lord J. Russell), in expressing his determination to resist the proposition of the hon. Member for Montrose. It was an admitted fact, that every new political party, every new political question, had to go through a certain ordeal. The promoters of every new political question were first laughed at and scoffed at, then they were reviled and persecuted, then the principle was considered, then it was deliberated upon and discussed, and then it was legislated upon. Now, he confessed he felt greatly relieved from embarrassment when he found the noble Lord declaring in the speech he had delivered on this subject, that he preferred the odious principles of Chartism to the minor principles of the resolution of the hon. Member for Montrose. It gave him and those who had laboured with him a guarantee that he had not laboured in vain. He felt that the speech of the noble Lord, although made on the Ministerial side of the House, was intended for a book of reference when he should change to the other side. The hon. and learned Member for Reading (Serjeant Talfourd) had delivered a speech on this subject which had been called an able, a poetical, an astounding, an astonishing speech. For himself, he had been most struck with the ignorance which had been displayed by the hon. and learned Member. The hon. and learned Gentleman had rested upon three points. He had referred to the case of the artisan in his attic or cellar, incapable of supporting his family, and had asked—would you trust that man with a vote? In answer to that he would say that if the want of that vote disabled that artisan from supporting his family, or if in his opinion it placed him in that situation, he was the very man whom he would enfranchise. The hon. and learned Member had also asked them—would you enfranchise the ignorant people of the country? That was precisely the argument which was used in 1780, when Charles James Fox and the

Duke of Richmond propounded views exactly the same as the People's Charter now; and with respect to this charge of ignorance, he would ask—who were to blame for it, the people who had been left to grow up in ignorance, or the Government, whose duty it was to educate them? He contended that an extension of political rights ought to precede national education. Place a man in the position of political responsibility, and ignorance became a crime. The hon. and learned Gentleman had also referred to some neighbouring countries as instances of the disadvantage of adopting reform. He would answer, that they had had instances of the folly and disadvantage of postponing these principles until it became necessary to establish them by physical force instead of moral power. The hon. Member for Montrose had said that the measure which he proposed had been adopted by the working classes. He should hold himself unworthy of a seat in that House—unworthy of the position he held with the working classes, if he did not give that assertion the fullest and the most positive contradiction. Although he meant to vote for the resolution of the hon. Member, he begged to caution the hon. Member as well as the noble Lord not to postpone the larger and more extended measure till the wrong moment. The hon. Member's Motion had been analysed in the course of the discussion; and some hon. Members had stated their preference for one point and some for another. Well, he would tell the House the point to which he attached the most importance, and that was annual Parliaments. He confessed that, after what he had seen in that House, he would prefer annual Parliaments with the present constituencies to universal suffrage with septennial Parliaments. He begged to observe that, with the exception of vote by ballot, every single point of the Charter had at one time formed part of the constitution. Annual Parliaments were at one time the practice in this country. The principle of "No Property Qualification" was also an old one. Formerly, also, there was universal suffrage; and the reason for abolishing that was stated in the preamble of the Act to be the feuds and quarrels which had sprung up among the aristocracy. Formerly there existed electoral districts; and it was well known that Members of the House were paid by their constituents; so that five out of the six points of the Charter were once the law of the land. The noble Lord said that all that the people wanted was the best description of government; but how were they to get it? How were they to accomplish that object, if they were not represented in that House? When the hon. and learned Member for Reading spoke of the want of education among the people, he should have borne in mind that it was not necessary that whole classes should be educated, but that it was sufficient if a system of instruction was partly infused among them; and if they could distinguish between a proper and improper representative, they were sufficiently educated for the franchise. The people of this country had shown for many years that they desired reform. They had been told by the right hon. Baronet the Member for Harwich (Sir J. Hobhouse), and by the hon. Gentleman the Secretary to the Admiralty, that taxation without representation was unjust, and that the people were the sources of all legitimate power. But the noble Lord now said that they were satisfied with the present form of government. When the Reform Bill, however, was carried, they were promised peace, retrenchment, and reform, and they expected a participation in the social advantages which were held out as the consequences of that measure. In that they had been deceived. All those promises of high wages, cheap bread, and plenty to do, roast beef and plum pudding, had turned out to be fallacious, and now the people would take the matter into their own hands. The aristocracy on one side of the House had deceived the people once, and the middle classes on the other side had deceived them twice. They had not shared in the promised benefits of free trade; and unless the Government were prepared to carry out the principles of free trade, and consult, not the interests of those who made profit out of the diminution of wages, but made profit by legitimate trade, they would find themselves some fine morning in the situation of the French Government. The right hon. Baronet the Member for Tamworth had laid the foundation of free trade, but his principles had not been carried out. A strong case was made out for some reform at least by the unseating of so many Members for bribery, and by the fact that out of the agricultural constituency there were 108,000 tenants at will, who were as much bound to vote for their landlord as if they had been slaves purchased in the market. But, as he was saying, free trade had not yet been carried out;

and the working classes inquired where their share of free trade was. For the last six years they had been very peaceable, though reduced to a state of unparalleled distress; and why, then, should the House hesitate to enfranchise them? He found no disposition on their part to commit violence, but an anxious desire to earn their bread by the sweat of their brow. He should vote for the Motion of the hon. Member for Montrose as a choice of evils, his proposition being good as far as it went, and certainly better than nothing at all, but he could not accept it as a final settlement of the question. He would not abate one jot of his energy or enthusiasm in the cause of the people; and if the hon. Member's Motion were carried to-night, he should advocate all the principles of the Charter to-morrow. Whilst under excitement he charged the hon. Member for Montrose with impropriety in having withdrawn his Motion; and the hon. Gentleman the Member for the West Riding charged him with having made an attack on the hon. Gentleman. He begged to disclaim all intention of ferocity; but there was a determination evinced by the hon. Member for the West Riding to rally the middle classes around him on this question. He would not, however, enter further into the question, but would content himself with declaring that as hon. Gentlemen on the other (Ministerial) side of the House, maintained their principles of free trade and no surrender, and as hon. Gentlemen on that (the Opposition) side maintained their principles of protection and no surrender, he also—through persecution, through good report and evil report—would maintain his own principles, and no surrender.

Mr. MONCKTON MILNES would only detain the House for a few moments while he stated his reasons for not supporting the new Reform Bill, while at the same time he was not opposed to measures of general reform. He would not go into the question in detail; but he would say that his objection to the resolution was the fundamental one, that no ground had been established to authorise the formation of a new reform league, or to sanction the agitation which it professed to create in the country. In discussing questions involving organic reform, they were bound to consider whether there was any grievous evil to be removed, and whether there existed any large popular demand for that removal. He did not think that the Motion was founded on a great practical evil, to warrant the means which the hon. Gentleman the Member for the West Riding had spoken of. He would not go so far as to say that the constitution might not require that from time to time some extraordinary influence should be brought to bear upon Parliament, nor did he mean to say that the anti-corn-law agitation was either illegal or improperly conducted; but it did appear to him that there was an essential difference between an agitation for the removal of a specific grievance, and the proposal before the House. He did not go the length of saying that the demand of the people for organic changes in the constitution was not one which that House was bound to entertain; but he maintained that that demand should be made spontaneously by the people. Now, if it were really the people's wish for such a change, what need was there of this league of some thirty or forty Gentlemen to tell them of it, and to carry it out? Of one thing he was clearly convinced, that whatever the people of this country really wished for, they would obtain from that House, provided they only systematically and perseveringly urged that demand. With regard to the ballot, he still wished that the people of this country might be able to do without it, for he agreed with those who considered it thoroughly un-English; but, on the other hand, if it could be shown that any number of the electors were coerced—if such charges as those made in the Stamford case could be proved—then he was ready to admit that the ballot must be conceded as a protection to the people. The other great branch of the measure of the hon. Gentleman—that which he looked at as the real marrow of the question—was the proposal to reorganise the representation on the principle of what was termed electoral districts. This he considered to be tantamount to a proposition to transfer a great portion of the representation from the country to the towns, and therefore he looked on it as a great alteration in the constitution. He denied that they were, as the hon. Member for the West Riding seemed to infer, to look upon the country as a mere *tabula rasa*, and to begin anew on the principle of numbers. Indeed it did not seem that the hon. Member himself was prepared fully to carry out that principle. The towns had not now any right to complain of want of influence in the Legislature. Witness the Corn Law Repeal Bill, which was carried almost in the teeth of the Members from the country districts. If the country Gentlemen were to be, as it were, eliminated from the House, could it be supposed that they would submit without a murmur? Would there not remain a great sediment of discontent in the country? At present the House of Commons did ultimately represent the wishes of the people. He admitted that at present great preference was given to persons of aristocratic birth, but he also contended that this was in accordance with the genius of the English people. They really did "love a Lord." They loved aristocracy. See the habits of deference in that House to Members of the aristocracy. Was a Lord ever "put down" in that House? Upon the whole, he was not prepared to support this measure, for the reasons he had stated, but more especially because he saw that there was no great demand for it in the country, and because he believed that the people were generally of opinion that in the main the constitution of this country was as good as could be obtained in the present state of mankind.

Mr. S. HERBERT would not, in the discussion of a question affecting the character of the House, and the competency of carrying on the public business, add to any charge that had been brought against it, by unnecessarily extending the speeches in its debates. His only object in speaking at all was to express his wish that his vote should be considered as distinct from the votes of those who were of opinion that the representation of this country was perfect, or that it was impossible to make any improvement in it. It was unnecessary for him to go at any length into the question, it having been already so ably argued, and by none more powerfully than by the noble Lord at the head of the Government. It was with great satisfaction that he heard the noble Lord give up the doctrine of finality. It was also with pleasure that he heard the noble Lord state that he did not approve of uniformity of suffrage. Now, the object, or rather the necessary accident, of all representation being to secure good government, it first became them to inquire how far the present system was calculated to carry on the business of the country; and whether or not, under the present system, the different classes of the people enjoyed a sufficient share of the representation. Believing that the representation was not sufficiently varied, he regretted that the different modes of franchise that existed before the Reform Bill had been abolished. He regretted very much that the franchise commonly known by the name of "potwallopers" should have been abolished. It gave the working classes a feeling that they were directly represented, and it diminished the tendency, on the part of the people, to what was termed hero worship—the devotion to some demagogue who had hitherto been an object of admiration to the people, and who had spoken to them of the wonderful things he would effect when he should be sent to Parliament. By the admission of men to Parliament who were more upon a level with the working classes, it would induce the working classes themselves not to pay so much attention to the delusive promises that were held out to them. He thought the hon. and learned Member for Nottingham, who lately addressed the House, when he went to render an account of his stewardship, seeing that he would have been five years in immediate proximity to the Thames, would find more difficulty in explaining, to the satisfaction of his constituents, why he had not set it on fire, than if he had never been a Member of that House, and were for the first time announcing all he would do for them if sent to Parliament. But he wished to call the attention of the House for a moment to what had been stated by the hon. Gentleman the Member for Montrose, that England had hitherto been in the van of liberal institutions, but that now she was in the rear; and the hon. Gentleman added, that those who acted with him had for their object a reduction of the public establishments, and a rigid system of economy. This the hon. Gentleman contended was the legitimate object of a democratic Government; but he (Mr. S. Herbert) would ask, had that object been effected in France? On the contrary, they had increased the army to no less than 30 battalions, and, with the National Guards, they had an army of 320,000 men—a larger force than ever before existed in a time of peace. The hon. Member for Middlesex had spoken of a system of jobbing being carried on by the present mode in which the House of Commons was constituted, and urged this as an argument in favour of an extension of the suffrage. He also adverted to the corrupt practices which prevailed in France previous to the recent revolution; but he would ask whether those practices had ceased? So far from that, it was proved that the editor of the *National*, M. Marrast, the printer, and publisher, divided and held places amongst themselves amounting to 40,000*l.* per annum. Now, in England, the people would prefer that the money should be distributed among the persons to whom the hon. Member for Middlesex referred, rather than amongst those who had obtained it in France, who had previously disqualified themselves for becoming its recipients by the most extravagant professions of purity and patriotism. He might appeal to the hon. Gentleman whether he thought that personal liberty had been secured by the revolution in France? Was it necessary to remind him of the case of the director of the national *ateliers*, who, under pretence of being appointed to a lucrative office in the province, was clapped into a post-chaise, in company with two *gens d'armes*, and driven to a country town, and, from that day to this, had never been able to obtain the slightest explanation of the treatment to which he had been subjected. He would now call the attention of the House to the case of Prussia. There was no country in which education was so generally diffused—there was no country whose educational statistics had been so frequently referred to in that House; and yet the most curious accounts had reached us from Berlin respecting the conduct of their National Assembly. It was no part of the hon. Member's plan that Members should be paid for their services; but that had been adopted in Prussia, and great dissatisfaction was expressed because some of the representatives were saving money out of their pay, which amounted to 7*s.* 6*d.* per day. The good people of Berlin proposed to set their representatives to task-work, and be paid by the job instead of the day. The labouring classes of this country had, he believed, narrowly watched the solution of the labour question in France, and would be able to draw a useful lesson from it. All the causes which led to the revolution in France existed in this country in a much greater degree than in France. There were in this country larger masses of people suffering distress. [An Hon. Member: We have a poor-law.] True, we had a poor-law, and there were also other redeeming points in our system which afforded solace to the unfortunate. But no one could say that there existed in France the strong contrasts which this country exhibited between vast wealth and extreme penury, for in France the subdivision of land was carried to an extreme point. Distress and suffering arising from vicissitudes of commerce which were the immediate cause of the recent French revolution, existed to a greater extent in this country. He had great hope of this country, but he did not derive it from a belief that any measure such as that now proposed by the hon. Member for Montrose would remove all discontent. Without denying that the representative system was susceptible of improvement, he thought, that if the House were sincerely determined to do its duty, there was nothing in its composition to prevent it from acquiring the respect and confidence of the people. It appeared to him, that during the present Session the House had pretty accurately reflected the feeling of the country upon the question of finance. Then, again, at the commencement of the Session, there existed something like a panic about the national defences; but as soon as the question began to press upon the pocket, the House, reflecting public opinion, called for reduction, and that had been effected. It grieved him to state that, in some respects, the course pursued by the House was not calculated to conciliate public esteem. On the subject of the alleged corruption which had prevailed at elections, the conduct of the House had, at least, been inconsistent. Under those circumstances, he was pleased to hear the noble Lord announce that night he would bring the weight and authority of Government to bear upon the matter, and take it up as a question for the Administration. That ought to have been the noble Lord's first care. Then, again, the House might very much improve the opinion which the public entertained of its capability of doing business by ceasing to indulge in unnecessary discussion. Upon this head, however, the hon. Member for Salford the other night gave the people little cause of consolation in the event of the House being reformed upon the plan suggested by the hon. Member for Montrose; for the hon. Member for Salford said that the speeches of Members of necessity bore an exact proportion to the number of their constituents. Oratory was thus reduced to an arithmetical question—as a constituency of 800,000 is to one of 3,000,000 or 6,000,000, so will a speech of two hours expand in the reformed House to one of six or twelve hours. It was not, however, in quantity alone, but in quality that the speeches delivered in the House of

Commons admitted of improvement. It was not his wish to revive bygone discussions; but he hoped he might be pardoned for saying that he had listened with great pain to the discussions with which the House had been occupied during the week before last, and which, he was sorry to see, had extended beyond the walls of that House. He referred to the altercation which had taken place between the noble Lord behind him (Lord G. Bentinck), with whom, prior to some recent political differences, he had been on terms of the warmest intimacy, and for whom he still entertained sentiments of the strongest regard, and the noble Lord opposite (Lord J. Russell), whose general conduct in the House had inspired him with feelings of respect. The interchange of imputations which took place upon the occasion to which he alluded, was calculated to have a bad effect upon the public mind. When the people observed the language used on that occasion, and the imputations which Members cast upon one another, they would be very apt to estimate each speaker according to the value set upon him by his opponent; and some persons might be inclined to believe that whatever change might take place in the composition of the House of Commons, it was impossible that the tone of its debates could deteriorate. He wished it to be understood that, in voting against the Motion introduced by the hon. Member for Montrose, he was not giving an opinion in favour of the perfection of the system now existing. No man could have watched the working of the House of Commons since the passing of the Reform Bill without perceiving that there was much that was bad in the system, and that it would be possible for a wise and practical hand—with time and consideration — to effect great improvements, without risking the institutions which it was the desire of all wise men to maintain unimpaired.

Lord D. STUART expressed his gratification at finding that the doctrine of finality was repudiated by all parties. He thought the number of petitions presented to the House, and the number of public meetings held in favour of the proposition of the hon. Member for Montrose, and the total absence of any demonstration against it, ought to satisfy the House of the great and general feeling existing out of doors for measures of reform. The noble Lord (Lord J. Russell) in his speech appeared to deny that a man had a right to the franchise. That might be a question; but the noble Lord would at least admit that the principle of the British constitution was to extend the basis of the representation as widely as possible, and only to place a limit where the safety of the State required it. The next question was, whether it was safe to extend the franchise? He could not but remember that the greatest possible evils, such as the downfall of the monarchy, the Church, and all our most valuable institutions, were prophesied as likely to result from passing the Reform Bill. Sixteen years had now elapsed since the Reform Bill had passed, and they had not found that any of these predictions of evil had been realised. The hon. Member for Buckinghamshire (Mr. Disraeli) the other night said, that hon. Gentlemen on his side of the House had opposed the Reform Bill, and got pelted for their pains. But the hon. Gentleman had himself shown that the Reform Bill had not been a failure, because he stated, that during the last twenty years there had been a much more equal distribution of the burdens of taxation. He was delighted to find, upon the admission of hon. Gentlemen who had opposed the Reform Bill, that it had done some good. Since, then, that measure had been, on the whole, beneficial in its operation, although he admitted it had not done so much good as he desired; let them go on in the same course. He did not pretend that this measure would satisfy the people for all future time; but he, for one, was not for finality; he was for gradual progress. The constituency formerly consisted of 300,000 voters, it now amounted to 1,000,000. Let them go on increasing the number, and then they might hope to go on effecting a fair reduction of taxation, and obtaining those other measures which the state of the country required. The proposition of triennial Parliaments was, in his opinion, a very important one; and he was much astonished to hear the noble Lord (Lord J. Russell) express his preference for annual over triennial Parliaments. The great objection, however, no doubt, was to a proposal of electoral districts. Now, it was true that there might be some difficulty in arranging a plan for equal electoral districts; but this resolution would not pledge the House to any such plan, but only to a more equal apportionment than at present of Members to population. He thought that no one could deny that a reform of that kind was needed. The country was quite tired of the present unjust and unequal system of Parliamentary representation. But, at the same time, he must say that the people of England were attached to the institutions of the country. He thought, then, that it was not fair that when any one came forward to demand on their behalf such a measure of improvement as this to tell him that he wished to pull down everything. The people had no such object. And those were not his (Lord D. Stuart's) words; he quoted the words of an eminent statesman, Lord Plunket, who said, that the people of England had no desire to subvert the institutions of the country; but if those institutions could not be sustained without refusing to redress the just complaints of the people, then he thought they were not worth preserving. He could not but think that it was important to put that House in harmony with the feelings of the country at large. He could not believe that things could go on well unless that were effected. And those were the opinions of the greatest statesmen that we had ever had. Fox, Lord Grey, Macintosh, Plunket, Pitt, all—all had advocated the principles of this measure of reform. Let them look back to history; and they would find that the brightest period of our English history was that in which the House of Commons had the most complete confidence in the Ministers, and the people of England the most complete confidence in the House of Commons. And surely, if ever there was a time when the complaints of the people of England ought to be attended to, it was the present. Whilst revolution raged throughout almost every other country in the world; whilst almost every other country was trembling on the verge of dissolution, and was agitated by anarchy and confusion, what did they see in this country? Did they not see the people of all classes coming forward in defence of the institutions of the country in such a manner as to hold out an example to the rest of the world, and to claim admiration of posterity? And would they, when that people came forward to ask them for some improvements, when they asked to be admitted to some share in the government of the country, when they asked to be admitted for their representatives, would they reward all their noble conduct in defence of order, morality, and the institutions of the country, by rejecting these their just claims? Let that House beware how they irritated the minds and alienated the attachment of the British people. Let them not turn a deaf ear to their petitions, or refuse their just demands, but pass such measures as would bring about that state of things which Mr. Pitt declared to be the best, namely, that in which the House of Commons had the most complete confidence in the Government, and the people had the most complete confidence in the House of Commons.

Mr. MUNTZ thought, that though several Gentlemen had spoken in the course of the evening, the subject had been very much shirked. The question really was, whether the House fully, fairly, and honestly represented the people; and, if not, whether the plan proposed would place the House in the position in which it ought to be? Hon. Members were certainly mistaken if they thought the people were of opinion that they were represented in that House. It had been said, indeed, that this was a nursed agitation, not spontaneous or natural, and that it ought to have come from the people, and not to have been sent to the people. Now, as far as he (Mr. Muntz) knew, it was spontaneous. He had made no communication to his constituents upon the subject; but the communication came, in the first instance, from them to him. Before he knew what the proposal of the hon. Member (Mr. Hume) was to be, they stated to him what their plan was, and it precisely agreed with the plan now proposed. [*A laugh.*] Hon. Members might laugh; let them, if they chose, say he was telling a falsehood—what he had said was the fact. His constituents gave their reason; and it was the conduct of the Government and the House on the property-tax and the "Gagging Bill" that was the cause of their dissatisfaction. They felt that they were not fairly and properly represented in that House. The various Election Committees that had been recently sitting, and before which such gross bribery and corruption were proved, made them altogether dissatisfied with the present system of legislation. And it had been proved that one side of the House was as guilty of bribery and corruption as the other. He did not believe that one-twentieth part of the Members of that House had been returned without the aid of corruption. He believed, that by far the greater majority of the Members of that House owed their seats to the influence of "pocket." With regard to the objection that had been raised to the point respecting the extension of the suffrage, and the reply of "these reforms must be made bit by bit," he believed that the people had no confidence in such holding-back policy. As he believed it to be a step in the right direction, he should give the suffrage part of the question his cordial support. If it were carried, then that House would fairly represent not a party of, but the whole body of the people. It was urged as an objection that many householders, who were at present in possession of the franchise, did not exercise it. But that was no reason against the existence of the franchise; it only showed the urgent necessity of altering a state of things which compelled men to forego the privileges which the State conferred upon them. His own constituents numbered about 7,000; and he knew that at the last election at least one-seventh did not vote from fear of undue influence being exercised over them. As for the point about the electoral districts, he thought nothing could be more reasonable. It provided that the same number of voters should send the same number of men to represent their interests in Parliament. And as to this measure being the result of a regular system of agitation, did not the Reform Bill owe its birth to a similar system of agitation? In 1829, six men, of whom he was one, met together and decided upon agitating the country for Parliamentary Reform. He was ready to admit that that Bill had done some good, but he contended that it had not at all satisfied the requirements and just demands of the country. It had not fulfilled the large promises that had been made by its supporters. But the Reform Bill, as introduced by Lord Grey, was quite different from that which eventually passed the House of Commons. The Reform Bill, first introduced by Lord Grey, was very like this measure of the hon. Member for Montrose. He would not detain the House any longer at so late an hour—he would therefore conclude by saying, that as he believed the proposition of his hon. Friend (Mr. Hume) was sound, just, and right in principle, he would give it his most cordial support.

Mr. NEWDEGATE was understood to deny the assertion of Mr. Osborne that the Agricultural Association had been agitating the country by the means of hired lecturers, and to retort upon the hon. Member for Middlesex the determined attempt made by the League two years since to disfranchise the county voters, when no less than 23,000 notices of objection had been served by that body, and when they boasted of having created 1,500 votes in the West Riding of Yorkshire in one year. The present movement was, in fact, nothing more than the League revived; and the hon. Member for the West Riding had put forward to-night the same doctrine that he had propounded in Manchester, namely, that no Government should rule in this country that did not carry with it the support of the great towns and manufacturing districts in Yorkshire and Lancashire. The hon. Member concluded, amidst much impatience in the House, by some severe comments on the conduct of the League in regard to the franchise, which he declared was a wider system of corruption than had ever existed in the days of Gatton and Old Sarum.

Mr. VILLIERS said, that as he had only risen to say a few words on the question before the House, he would not at that hour of the night follow the hon. Member for Warwickshire into another question which he had proposed to him to consider; but as it was his intention to vote for the resolution of the hon. Member for Montrose, though he did not agree in all its terms, and still less with all the reasons that had been assigned in its favour, he wished to explain the grounds of his vote. He was sure that the hon. Member for Montrose would forgive him for differing with him in this respect—since, he told the House that the Gentlemen who had met at a club to prepare his resolution for him, had all differed among themselves upon the most important part of it, namely, the qualification of the voter. [Mr. Hume: They agreed upon household suffrage.] Yes! They agreed upon household suffrage, but they all differed as to what household suffrage meant, and claimed the right upon that occasion, to put their own construction on the words. Now this was what he (Mr. Villiers) proposed to do by the resolution itself, and he should vote for it, less for the specific proposition it contained, than as a means of recognising by this House the policy of widening the basis of the representation, and protecting the voter in the exercise of his privilege. He believed that this was a policy that it would be desirable to adopt, and very unwise to resist: the suffrage had been argued in this country by high authority, to be a right, and if so, he did not see, when it was earnestly and honestly demanded, on what principle it could be refused. He did not of course mean to advocate any violent change in our constitution, or that the franchise should be suddenly and universally extended, without reference to the circumstances of the voter; but he thought that if the electoral system was rendered more comprehensive, it would increase the confidence of the people at large in the House, and add to the authority of the Legislature; and he believed this could be done without any danger to anything that was really valuable in our institutions. In saying this, however, he begged to steer clear of a notion that he believed prevailed among the supporters of this resolution, which was, that the legislation of this House would really be very different in consequence of an extension of the suffrage, or that it could have been different from what it had been since the passing of the Reform Bill, if the suffrage had been more extended then. He did not agree in that opinion; and he was ready to go farther, and say, without wishing to disparage in any way that great measure called the Reform Bill (which it was very wise to pass), that he did not believe that the legislation would have been very different had it not passed at all: he did not believe, in the first place, that those who had not the vote, were always wiser and better than those who had it, and would always, therefore, use it differently from the electors; but his views on this subject were chiefly grounded upon observing the manner in which opinion on public matters was formed in this country, and of the influence of public opinion upon the House. Now, political opinion in this country resulted very much from the entire freedom which was allowed in discussion. There was no country in the world where this liberty was practically more complete, and consequently where every public question was more fully or freely discussed; and the real truth is, that there are but very few questions of any great importance that are not decided out of the House, before they are seriously discussed within it; and this House very rarely remains for any time in collision with what may be termed the opinion of the community at large; and therefore, while the freedom of the press and the perfect freedom of discussion continued, he did not believe that there was any measure that was honestly, properly, and generally demanded, that would not be conceded by this House. No constituency was proof against the general opinion, and no representative could defy his constituents; but public opinion was not always right, and errors in legislation were as likely to be committed after as before an extension of the suffrage: but this was no reason for not removing the anomalies in the system, or extending the right of voting. There was, however, one great evil connected with the representation, which had long existed, which the Reform Bill had left untouched, but for which he now thought some remedy should be provided — he meant that very general system of bribery and intimidation which prevailed at elections. This evil had been often brought before the House; but it would be admitted that more flagrant instances had been the subject of investigation this year than for many years past. The system now prevailed in districts of every kind: there was bribery and treating in counties, and there was gross intimidation practised in the boroughs. Any thing that had as yet been devised or attempted to meet this evil, had utterly failed, as the last election showed. He was afraid that one great difficulty in the matter was the state of opinion generally on the subject. He feared that it was not yet deemed infamous to tempt the poor voters with a bribe, or to use the influence derived from prosperity and station to coerce a voter against his judgment. There were now persons in every class who, if they acquired prosperity or influence, considered that it was one of the rights incident to their fortune or position, to command the votes of those who were in any way dependent upon them. A tradesman who might be coerced himself by his customers, if he had tenants of cottages which belonged to him, and they had votes, he would desire and expect them to vote as he wished. The result, however, of the system was to degrade and demoralise the elector; for there was a constant struggle, on the occasion of an election, going on between custom and conscience, in which, too often, the latter was sacrificed. To extend the franchise, therefore, without protecting the voter in its free exercise, must tend rather to degrade than raise him. In many instances now, those who possess it regard it rather as a curse than a blessing; and every means is resorted to, in the towns especially, to escape being placed on the register. He had been told that, at the last election, nearly a quarter of a million of the voters now registered had not voted, and which, doubtless, was chiefly to escape the risk which was incurred by recording their vote. It was, then, one reason why he should vote for the resolution of his hon. Friend, that, while he proposed to extend the franchise, he attempted to meet the evils of coercion and corruption by giving the voter the protection of the ballot. He did not disguise from himself that the ballot was not free from evil, and that it might fail to accomplish all that was intended by it; still, it was more likely to check the sinister influences used against electors than any other method that had ever been proposed ; and, in his opinion, there would be no more generous concession on the part of wealthy and influential people to their poorer brethren, than this measure of voting by ballot. Unfortunately, however, there was nothing that rich people in this country were more tenacious of than this power which wealth gave them over the voters; and they always viewed the ballot with peculiar suspicion. He wished that his hon. Friend had proposed this reform of the representation by itself. He would have had more to support him this evening; and the grounds on which it would be recommended were so tangible and rational that a majority in its favour ultimately might much sooner be attained than for the other things with which he had mixed it up, which many would think that, if carried without this, the most important improvement in our system, would of themselves be of doubtful advantage. He would not at that hour of the night longer detain the House.

MR. HUME, in reply, could assure his hon. Friend who had just sat down, he was altogether mistaken in supposing that there had been a difference of opinion as to the point to which he referred. A difference of opinion had existed as to the extent to which the suffrage should go. His hon. Friend was also under a mistake in supposing that the ballot would be a remedy in the present state of the representation. He (Mr. Hume) had stated that he considered the extension of the suffrage the principal point, but that it must not be separated from the ballot; he considered all to be necessary in order to insure to the people an efficient reform. The right hon. Gentleman the Member for Wilts had told him to consider what was passing in France. Why, he proposed this measure because he was anxious to prevent matters from coming to the same point as in France. Deny the people this measure, you injured them; injure them, and you cause discontent, and when discontent was excited, the Government was not safe. Was it not a scandal to a free people to see half of the population excluded from a share in the representation of the country? As a matter of right, of justice, and of policy, the House ought to grant this measure; and upon these grounds he asked the House to agree to his Motion, and let the country judge if it was refused.

The House divided :—Ayes 84 ; Noes 351 : Majority 267.

List of the AYES.

Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Berkeley, hon. C. F.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowring, Dr.
Bright, J.
Brotherton, J.
Caulfield, J. M.
Clay, J.
Cockburn, A. J. E.
Collins, W.
Cowan, C.
Crawford, W. S.
Currie, R.
Dashwood, G. H.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Duke, Sir J.
Duncan, G.
Evans, Sir De L.
Evans, J.
Ewart, W.
Fagan, W.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Granger, T. C.
Greene, J.
Hall, Sir B.
Hastie, A.
Headlam, T. E.
Henry, A.
Hindley, C.
Hodges, T. T.
Humphery, Ald.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Lushington, C.
M'Gregor, J.
Meagher, T.
Marshall, J. G.
Marshall, W.
Molesworth, Sir W.
Mowatt, F.
Muntz, G. F.
Nugent, Lord
O'Connor, F.
Osborne, R.
Pearson, C.
Pechell, Capt.
Peto, S. M.
Pilkington, J.
Raphael, A.
Reynolds, J.
Ricardo, J. L.
Roche, E. B.
Salwey, Col.
Scholefield, W.
Scully, F.
Smith, J. B.
Smythe, hon. G.
Strickland, Sir G.
Stuart, Lord D.
Sullivan, M.
Talbot, J. H.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Turner, E.
Villiers, hon. C.
Wakley, T.
Wawn, J. T.
Willcox, B. M.
Williams, J.
Wilson, M.

TELLERS.

Hume, J.
Cobden, R.

List of the NOES.

Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Alford, Visct.
Anson, hon. Col.
Anson, Visct.
Anstey, T. C.
Archdall, Capt.
Arkwright, G.
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. jun.
Baillie, H. J.
Baines, M. T.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Baring, T.

Barnard, E. G.
Barrington, Visct.
Bateson, T.
Bellew, R. M.
Benbow, J.
Bennet, P.
Bentinck, Lord G.
Beresford, W.
Berkeley, hon. Capt.
Birch, Sir T. B.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Bolling, W.
Bourke, R. S.
Bowles, Adm.
Boyd, J.
Boyle, hon. Col.
Brackley, Visct.
Bramston, T. W.
Brand, T.
Bremridge, R.
Brisco, M.
Broadley, H.
Brockman, E. D.
Brooke, Lord
Brooke, Sir A. B.
Bruce, Lord E.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Buller, C.
Bunbury, E. H.
Burghley, Lord
Burrell, Sir C. M.
Buxton, Sir E. N.
Cabbell, B. B.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Chaplin, W. J.
Charteris, hon. F.
Chichester, Lord J. L.
Childers, J. W.
Cholmeley, Sir M.
Christopher, R. A.
Christy, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, hon. R. H.
Clive, H. B.
Cocks, T. S.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Coles, H. B.
Compton, H. C.
Conolly, Col.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Courtenay, Lord
Cowper, hon. W. F.
Currie, H.
Dalrymple, Capt.
Damer, hon. Col.
Davies, D. A. S.
Dawson, hon. T. V.
Deedes, W.
Denison, W. J.
Denison, J. E.
Dick, Q.
Disraeli, B.
Dod, J. W.
Douglas, Sir C. E.
Drax, J. S. W. S. E.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dundas, G.
Dunne, F. P.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Egerton, Sir P.
Egerton, W. T.
Ellice, E.
Elliot, hon. J. E.
Emlyn, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, W.
Farnham, E. B.
Farrer, J.
Fergus, J.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzgerald, W. R. S.
FitzPatrick, rt. hn. J. W.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forbes, W.
Forester, hon. G. C. W.
Forster, M.
Fortescue, C.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Goddard, A. L.
Godson, R.
Gooch, E. S.
Gordon, Adm.
Goring, C.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Guest, Sir J.
Haggitt, F. R.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Hallyburton, Ld. J. F. G.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Heald, J.
Heathcoat, J.
Heathcote, G. J.
Heathcote, Sir W.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, W. N.
Hogg, Sir J. W.
Hollond, R.
Hood, Sir A.
Hornby, J.
Hotham, Lord
Houldsworth, T.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hughes, W. B.
Ingestre, Visct.
Inglis, Sir R. H.
Jervis, Sir J.
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Keogh, W.
Ker, R.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lennox, Lord H. G.
Leslie, C. P.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Macnamara, Maj.
M'Taggart, Sir J.
Mahon, Visct.
Mangles, R. D.
Manners, Lord C. S.
Manners, Lord G.
Masterman, J.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Maunsell, T. P.
Maxwell, hon. J. P.
Melgund, Visct.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milner, W. M. E.
Milnes, R. M.
Monsell, W.
Morgan, O.
Morpeth, Visct.
Morison, Sir W.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Mure, Col.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, Sir L.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Packe, C. W.
Paget, Lord A.
Paget, Lord C.
Pakington, Sir J.
Palmer, R.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, Col.
Pennant, hon. Col.
Philips, Sir G. R.
Plowden, W. H. C.
Powlett, Lord W.
Price, Sir R.
Pugh, D.
Pusey, P.
Repton, G. W. J.
Rice, E. R.
Rich, H.
Richards, R.
Robartes, T. J. A.
Rolleston, Col.
Romilly, Sir J.
Rufford, F.
Russell, Lord J.
Sandars, G.
Seymer, H. K.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Sibthorp, Col.
Sidney, Ald.
Simeon, J.
Slaney, R. A.
Smith, M. T.
Smyth, J. G.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, H.
Stuart, J.
Sturt, H. G.
Talbot, C. R. M.
Talfourd, Serj.
Taylor, T. E.

Thornhill, G.
Tollemache, J.
Towneley, J.
Townshend, Capt.
Trevor, hon. G. R.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Urquhart, D.
Vane, Lord H.
Verner, Sir W.
Verney, Sir H.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vivian, J. E.
Vivian, J. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Walter, J.
Ward, H. G.
Watkins, Col.
Welby, G. E.
Wellesley, Lord C.
West, F. R.
Westhead, J. P.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wynn, rt. hon. C. W.W.
Wyvill, M.
Young, Sir J.

TELLERS.

Tufnell, H.
Craig, W. G.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, July 7, 1848.

MINUTES.] PUBLIC BILLS.—1ª Canada Union Act Amendment.

2ª Bankrupt Law Consolidation.

3ª Imprisonment for Debt (Ireland).

PETITIONS PRESENTED. From Edinburgh, and several other Places, against the Sale of Intoxicating Liquors on the Sabbath.—From Maidstone, against the Admission of Jews into Parliament.—From Cheshunt, in favour of the Public Health Bill, but suggesting certain Alterations therein.—From an Odd Fellows' Lodge, at Gisburn, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From Members of the Congregation of Free Saint Luke's, Edinburgh, for Facilitating the Attainment of Sites for Free Churches in Scotland.—From Sussex, for the Adoption of Measures for the Reformation of Juvenile Offenders.—From the Presbytery of Weene, for the Introduction of an Additional Clause into the Marriage (Scotland) Bill, and the Registering Births, &c. (Scotland) Bill.—From Guardians of the Okehampton Union, for the Adoption of Measures for the more Effectual Suppression of Vagrancy.—From Saint Mary, Lambeth, for the Prevention of Sunday Trading.

BANKRUPT LAW CONSOLIDATION BILL.

LORD BROUGHAM moved the Second Reading of the Bankrupt Law Consolidation Bill. The noble and learned Lord said, that in consequence of the very great interest which the traders of the country, and particularly the mercantile classes of the city of London, had taken in this important subject, he wished to preface his Motion for the second reading of the Bill by making a statement with respect to the position in which the question then stood. There had been various changes made in the law of bankruptcy: before the year 1825 there had been no less than twenty-one Bankrupt Acts in operation; in that year an Act had been passed for the purpose of in some degree consolidating and systematising those Acts; and since that measure twenty-one other Acts had been passed, making altogether forty-two Acts of Parliament passed on the subject. The consequence was, that the traders of the country had very great reason to complain of the obscurity that exists in the system. That was one reason for consolidation, and in the next place they conceived that the law should be made more clear and systematic. The experience of past years had thrown considerable light on the bankruptcy law, and it was their duty to profit by that experience, if they found they had gone wrong. What was chiefly complained of was, the abolition of imprisonment for debt, and they prayed for a repeal of that Act; but he believed the general impression was, that imprisonment for debt could not be restored, though the present practice might possibly be modified; and they might with very great propriety introduce a better system of punishing fraudulent debtors, and give a better protection to creditors. The subject, as well as some other matters, might be deserving of inquiry. He called the attention of their Lordships to a digest of the system, which he begged to present to their Lordships, and likewise desired to call their attention to the effects it had produced. The digest had been most carefully prepared; but no credit was due to him (Lord Brougham) for the compilation of it. The credit was due to a most worthy and efficient officer of the Bankrupt Court, who understood the working of the system, and who was aided by great practical knowledge in the compilation of this digest—he meant Mr. Miller. The digest extended from the constitution of the Bankruptcy Court to the very end of the system of bankruptcy, and would be found to be most judiciously framed. He had much satisfaction in stating to their Lordships the complete success of the system, and the universal approval it had received from the trading portion of the community. He would remind them that six Bankruptcy Commissioners now did the work which was previously performed by seventy Commissioners. This in itself was an improvement, to which was to be added the extension of the system to the country districts. As a proof of the excellence of the system, he might refer to the benefits resulting from the practice of the official assignee acting as the creditor's assignee. By that means they had been able to realise the enormous sum of 2,400,000*l.*, of what was formerly, and before the establishment of the system, absolutely reckoned as desperately bad debts. When the measure for that purpose was brought forward in the other House, his late lamented friend, Mr. John Smith, in defending it, said, that in supporting the Bill he spoke against his own interest; that the House with which he was connected made 4,000*l.* or 5,000*l.* a year by the bankruptcy cases, and in the following year would not make a farthing; but notwithstanding that loss he would support the Bill. He (Lord Brougham) would also remind their Lordships that the next two vacancies that took place amongst the Commissioners would not be filled up, as it was considered that four Commissioners would be found amply sufficient to do the business. He had a return in his hand, from which it appeared that the London appeals from the Bankruptcy Court amounted in the year to five, and the country appeals to nine; and the whole of the appeals in the Bankruptcy Court, both for town and country, were on an average for the last six years fourteen and a half. This small number of appeals did not arise from the scarcity of business in the court; for owing to the distress that unhappily prevailed, the number of commissions issued the year before last were 1,100, and last year they amounted to 1,716.

The LORD CHANCELLOR was of opinion, that when the Acts of Parliament relating to the law of bankruptcy had multiplied to such an extent, it was highly expedient they should be consolidated. He had no doubt it would be judicious, as suggested by his noble Friend, to refer the subject to a Select Committee, and likewise to decide upon another important question relating to the laws of bankruptcy and insolvency, namely, whether bankrupt cases and insolvency cases should be hereafter kept distinct; they were now subjected to very nearly the same system, though at present administered by separate jurisdictions.

Bill then read 2^a.

HEALTH OF TOWNS BILL.

Order of the Day for the House to go into Committee being read,

LORD STANLEY presented several petitions, and suggested that the Bill should be referred to a Select Committee.

LORD BROUGHAM said, that if the Bill was to be referred to a Select Committee, he most devoutly hoped that that course would be adopted expressly and distinctly with the intention that the Bill should make an easier and more rapid progress than it could be expected to make had it been submitted to a Committee of the whole House. He admitted that he was not himself inclined to view with disfavour the proposition for referring the Bill to a Select Committee, because, late though it was in the Session, he very much feared that in considering in a Committee of the whole House a Bill affecting so many interests, and, above all, so many local interests, they would be inevitably betrayed into long and tedious discussions. But lest there should be any apprehension of the Bill being stifled in a Select Committee, which he knew was too often the grave of many a meritorious and well-meant measure, he hoped that there would be a distinct understanding, and indeed a positive pledge and solemn promise on the part of all those who were anxious for the appointment of the Committee, that it should sit *de die in diem* until the business for which it was nominated had been disposed of; and that nothing should be left undone to promote as much as possible the speedy passing of the Bill. He felt a deep interest in the measure, and he was sure that he properly interpreted the feelings of their Lordships when he said that they were one and all most anxious to facilitate its progress. Such a measure was at all times worthy of their favourable consideration, but at no time was it more desirable than at the present moment, when there was but too much reason to apprehend that appalling pest, the cholera, was making a steady, systematic, and rapid progress towards the shores of England. It was their interest, as it was their manifest duty, to promote as much as possible the progress of the only conceivable measure which could give a check to that dreadful scourge of humanity. The horrible events that had recently taken place in Paris had predisposed the atmosphere in the most confined quarters of that city to pestilential influences, favourable to the spread of that terrible disorder, and there was, therefore, the less time to be lost. He did not wish to create any unnecessary alarm—quite the contrary; but it was right that our true position should be properly understood. Alarm ought not to be raised except on the principle stated by Mr. Burke, that "the fire-bell alarmed our slumbers, but it prevented us from being burned in our beds;" and so, too, an alarm about the cholera, although it might make the malady spread more rapidly than in a calmer state of the public mind it might do, would, he trusted, be conducive to the safety of the people, by making the constituted authorities and the Parliament take those precautionary measures to which they were urged by considerations of humanity and patriotism. Being on this subject, he would here take occasion to observe that he had read, with great admiration, and with great comfort to himself, the admirable report of the Sanitary Commissioners, at the head of whom was his noble Friend Lord R. Grosvenor, and another of whom was that eminent physician and physiologist, Dr. Southwood Smith. That report clearly demonstrated that if the cholera was incurable when it became cholera, it could be easily and certainly prevented if the premonitory symptoms, which never failed to discover themselves, were taken advantage of in due time. He implored of their Lordships not to take any step which could have the effect of postponing the Bill for another Session.

Lord CAMPBELL feared that he could not accede to the suggestion for referring the Bill to a Select Committee, for he apprehended that that course might be productive of delay; and certain he was that any further delay in the passing of such a measure would occasion deep disappointment to the public, and possibly very serious mischief. On a former occasion the proposition that the Bill should be that day considered in a Committee of the whole House, had met with the unanimous approval of their Lordships, and he certainly was not prepared for a suggestion that it should be referred to a Select Committee.

Lord REDESDALE was decidedly of opinion that no better course to promote the speedy progress of the Bill could be taken than to refer it to a Select Committee. In discussing its provisions, it would be necessary to take three or four clauses into consideration at once, but that could not be done if the Bill were to be considered in Committee of the whole House. He was most anxious that the Bill should pass this Session; but he was also desirous that it should pass in as perfect a manner as possible. A Select Committee would find it no difficult matter to get through it in four or five days. He begged leave to move that the Bill be referred to a Select Committee.

Lord BROUGHAM: Every one was in favour of the principle of the Bill. The only question that now remained to be settled was that which affected the shaping of the details of the measure. He certainly should recommend his noble and learned Friend opposite (Lord Campbell) to acquiesce in the suggestion that the Bill be referred to a Select Committee.

The Duke of RICHMOND also hoped that the suggestion would be acceded to. A Select Committee could get through all the clauses in four or five days. A Committee of the whole House might take four or five weeks.

Lord KINNAIRD was of the same opinion. He trusted that the Government would not resist the suggestion for a Select Committee, now that so many distinct assurances had been given that the course was proposed in a *bonâ fide* spirit, and with a view to the more rapid progress of the Bill.

The Duke of BUCCLEUCH was also in favour of referring the Bill to a Select Committee. He should not advocate it if he thought it had been proposed with the intention of stifling the Bill; but he was sure it would have the very opposite effect. It would certainly accelerate its progress.

The Bishop of LONDON would not, on any account, be a party to any movement, the consequence of which would be to retard the Bill, or to make it less efficient; but he certainly did think that Government ought to accede to the suggestion of the noble Lord opposite, after so many pledges had been given that those who desired the Select Committee did not intend delay.

Lord PORTMAN approved of the Bill being referred to a Select Committee, as its numerous details could be sifted better there than in the House; but he hoped that there would be an understanding that the points which had been unsuccessfully raised in the Committee would not be gone over again when the Bill came back to the House.

The Marquess of LANSDOWNE entertained some apprehensions lest the effect of referring the Bill to a Select Committee might be that of delaying a measure which yielded to none in importance, which was not only important itself, but with reference to the time at which it was brought forward. At this particular moment they were considering the subject under circumstances on which he advisedly forebore to dwell, considering the position he held, but which their Lordships would permit him to say were circumstances of peculiar urgency. He felt, therefore, that they ought not to pause in the consideration of the measure. He felt also that Government had not been fairly used in the matter—that a week had been thrown away, the Committee of the whole House on the Bill having been deferred at the suggestion of a noble Lord opposite, without the least intimation, public or private, that there was any such intention, after that Motion had been acceded to, and after he had been allowed to fix his own day for a Committee of the whole House. They had been left up to yesterday in the dark privately, and had been kept up to that day in the dark publicly, without any intimation of a Motion for a Select Committee. He could not allow himself for a moment to suppose that any of the noble Lords who had supported the Motion for a Select Committee had done so with any intention of delaying the progress of the Bill; and he trusted that their declarations to that effect would be acted up to, especially in the case of the right rev. Prelate the Bishop of London, than whom no man had more contributed to bring the Bill under the attention of their Lordships and the country. Under these circumstances, perhaps, his noble and learned Friend might withdraw the Motion, with the understanding that no witnesses should be examined, and that the clauses should be gone through with the view of coming to a distinct and perfect conclusion as to the provisions of the Bill.

Lord STANLEY could assure the noble Marquess that there had been no intention to take the Government by surprise. In no part of the House was there any other wish than that the Bill should be advanced as rapidly as possible, consistently with full deliberation.

Lord CAMPBELL withdrew his Motion.

Bill referred to a Select Committee.

The Duke of BUCCLEUCH observed, that no sanitary measure applying to Scotland had yet been introduced, and hoped that one would be laid on the table as soon as possible.

THE VISCOUNT ARBUTHNOTT.

The Gentleman Usher of the Black Rod reported to the House, that the order for taking into custody the Viscount Arbuthnott had been served at Arbuthnott-house, in the county of Kincardine, by the deputy Serjeant-at-Arms, who was then informed that the Viscount Arbuthnott had left the United Kingdom.

"*Ordered*—That the said report be referred to the Committee appointed on the 23rd June last, to consider the method of proceeding, in order to bring the Viscount Arbuthnott to trial."

House adjourned.

HOUSE OF COMMONS,

Friday, July 7, 1848.

Minutes. Public Bill.—1° Ecclesiastical Unions and Divisions of Parishes (Ireland).

2° Trustees Relief (Ireland).

Reported.—County Cess (Ireland).

Petitions Presented. By Lord J. Russell, Mr. Osborne, and several other Hon. Members, from an Immense Number of Places, in favour of an Extension of the Elective Franchise.—By Mr. W. J. Fox, in favour of Universal Suffrage.—By Mr. Osborne, from Worcester, in favour of the Abolition of Church Rates.—By Mr. George Thompson, from Sheffield, and by other Hon Members, from several Places, for a Better Observance of the Lord's Day.—By Lord Robert Grosvenor, from the Vicar of Ardeley (Herts), against the Delivery of Letters on Sunday.—By Mr. Meagher, from Inhabitants of St. John's, Newfoundland, for Reform in the Government of that Colony.—By Mr. Cobden, from Kingston, in the Island of Jamaica, to take the State of the West India Colonies into Consideration.—By Mr. W. Lockhart, from an Association of West India Merchants in the City of Glasgow, for an Adequate Protection to the Sugar Trade.—By Mr. Hornby, from Members of an Independent Order of Odd Fellows, for an Extension of the Benefit Societies Act to that Order.—By Mr. Henry Hope, from Gloucester, against the Diplomatic Relations with the Court of Rome Bill.—By Mr. Sharman Crawford, from Rochdale, in favour of a Secular Education.—By Lord Brooke, from several Ratepayers in the Southern Division of Warwickshire, against the Highways Bill.—From Clergymen, Justices of the Peace, and Others, of Sussex, for the Establishment of Measures for the Reformation of Juvenile Offenders.—By Mr. William Fagan, from the Commissioners for Preserving the Port, Harbour, and River of Cork, for Improving the Piers and Harbours (Ireland).—By Mr. Grantley Berkeley, from Westbury-upon-Severn Union, for an Alteration of the Poor Law.—By Mr. West, from Ruthlin Union, Denbigh, and by other hon. Members, from several Places, in favour of a Superannuation Fund for Poor Law Officers.—By Mr. George Dundas, from the Commissioners of Supply of Linlithgowshire, against the Proposed Alteration of the Law respecting the Registration of Births, Deaths, and Marriages (Scotland).—By the Solicitor-General, from the Devonport Mechanics' Institution, for an Alteration of the Scientific Societies Bill.—By Lord John Russell, from William Palmer, of Kinder Street, Deptford, for Amendment of the Small Debts Act.

THE METROPOLITAN POLICE.

Sir B. HALL rose to put the question of which he had given notice, respecting the Metropolitan Police Force, and he also wished to ask some questions relating to some letters which had passed between the Home Office and the representatives of certain parishes relating to the rates for the maintenance of the police being the same as last year, and also to any letters respecting the arrangement under the new assessment of last year. By the 9th of George IV., c. 44, and the 3rd and 4th of William IV., and 5th & 6th of Victoria, it was enacted that the police rate should not be above 8*d*. in the pound, and by one of these Acts it was also enacted that the Consolidated Fund should be made chargeable with not more than 2*d*. in the pound out of this charge. The produce of the police rate in the metropolitan district was last year 286,000*l*. In June, 1847, the magistrates of Middlesex undertook a new assessment of the county, and raised the amount of rateable property from 6,376,478*l*. to 7,792,787*l*., being an increase of 1,400,000*l*. In consequence of this increase representations were made to his right hon. Friend (Sir George Grey), by some of the parishes in Middlesex, showing the effect of this new assessment in those districts, and at the same time urging that the rates should be levied in the same proportion as formerly. In answer to these representations a letter dated Whitehall, the 30th December, 1847, was directed to the vestry clerks of the parishes of Marylebone and St. James, in which the writer said—

> "Secretary Sir G. Grey having considered the joint representations of the parishes of Marylebone and St. James, for a reduction of the police rate under the new assessment, he was desired to inform them that Sir G. Grey had ordered that steps should be taken for the reduction of the police rate in the way proposed, and Sir Grey hoped that the Bill which he should introduce into Parliament for this purpose would receive the sanction of the Legislature in the course of the present year."

In corroboration of this the same parties also received a letter from the police commissioners, dated the 3rd January, in which they announced an intention to afford every aid to carry out the object asked for in various parishes. In furtherance of this correspondence a Bill was brought in in May, 1848, and was read a second time on the 1st of June, and the Committee on it was fixed for the 8th, and then for the 15th of June, but on both occasions the subject was postponed; but on the 26th of June, at a late hour of the night, without any notice having been given, the Bill was withdrawn, and on the same day that the Bill was withdrawn a letter was sent to the several parties who had been engaged in the former correspondence, in which the commissioners of police state that they had to communicate with reference to their letter of the 3rd of January, that a Bill had been brought into the House of Commons to carry out the object alluded to in that letter; but as it did not appear expedient to reduce the police rate at present, it therefore was not intended to proceed with the Bill during the present Session. The question of which he had given notice was to ask his right hon. Friend the Secretary of State for the Home Department to state the reasons why the Bill for limiting the amount to be raised out of the rates for support of the metropolitan police was withdrawn; and whether it was intended to act up to the understanding conveyed by Mr. Philipps, and by the police commissioners, in letters dated December and January last, that the ratepayers shall not be called upon to pay more than they have hitherto done for the support of the police.

SIR G. GREY said, the 10th Geo. IV., ch. 44, s. 23, enacted that a rate should be levied upon all property in the metropolitan district assessed to the county rate, for the purpose of maintaining the police of the metropolis, provided that such rate did not exceed 8*d*. in the pound. In the first instance the whole charge of the police was imposed on the parishes in the metropolitan districts, except that 10,000*l*. a year, formerly applied to the support of the Bow-street patrol, incorporated in the metropolitan police, was devoted towards paying the cost of the police. By the 3rd and 4th of William IV., it was enacted that the parishes should be relieved from a certain portion of the charge for the police, and that on a warrant being issued by the Secretary of State the parochial rate in certain circumstances should be reduced to 6*d*. in the pound as a police rate, while the Treasury should pay the other 2*d*. in the pound. By the 6th and 7th of Victoria, the distribution was altered, and a new arrangement was made by which the Government devoted 60,000*l*. of the public money for this purpose. Since the time he alluded to, only 6*d*. in the pound had been levied in the parishes in the metropolitan district as a police rate. The aggregate amount charged for the police was 219,000*l*. The charge on the Consolidated Fund, under the various Acts of Parliament he had alluded to, was 76,869*l*., and to which must be added 20,000*l*. for the horse police, which was wholly charged on the public, thus making together a charge equal to 96,869*l*. In 1847 a new valuation of the county of Middlesex was made, and the result was, that in some parishes, not all, a change took place in consequence of property being assessed much nearer its value. Thus, in some of the rich parishes the amount of property chargeable to rates was increased, while in some of the poorer parishes, such as Bethnal-green, there was a reduction in the amount. Under these circumstances, representations were made to the commissioners of police and to himself from those parishes in which the charge had been raised, in which they complained that the charge had been increased in them by the new assessment, while in several of the parishes in Kent and Surrey, within the metropolitan district, the charges had not been raised. These circumstances had been taken into consideration by the Government, with the view of determining whether this burden should be placed on the public, by which they could reduce the increased burden on the parishes. The result was, that it was determined to allow the police rate in certain parishes to be levied at something under sixpence in the pound under the new assessment. In the letter written in December, it was distinctly stated that the Government would assent to the reduction, and they would endeavour to arrange the principle upon which the rates should be made under the new assessment. The reason why the Bill which he had introduced for that purpose had been withdrawn was, that circumstances, which were notorious, threw very considerable and unusual duties on the police. He received also from the commissioners of police a representation that there was a call for greatly increased duties in consequence of the great addition to the buildings in the metropolis. This statement was taken into consideration, but at the same time he had received suggestions from various parishes, to the effect that they were willing to afford aid to relieve the police of some of their duties. It was proposed that this additional force should be paid by a voluntary rate. He thought that it would be objectionable to have an additional paid police under such an arrangement; but that if there was to be an addition to the police force, it should be under the control of the commissioners of police, for they would not have the same control over a body which was supported by voluntary payments. Under these circumstances the Government was of opinion that it was expedient to direct that an addition should be made to the police force in consequence of the great increase which had taken place in their duties. The question then arose as to whence the funds for this purpose should come? The question was, whether the amount was to be provided by an additional rate or by Parliament? The Government, considering that the public already paid upwards of 96,000*l.* a year towards the support of the metropolitan police, did not think that it would be right to ask Parliament to grant more for that purpose. It was no doubt desirable that the assessments should be brought down to the actual value of the property; and as this had been done in Middlesex, he trusted the example would be followed in the adjoining counties. He did not think that this would be any great ground of complaint.

COUNTY COURTS.

Sir JAMES GRAHAM: The House was aware that by the Act passed last Session, the appointment of the clerks of the county courts was vested in the judges, and he had reason to know that in several instances these judges had appointed near relations of their own, who resided at great distances from the courts. For example, he knew of one clerk of a county court in a midland county who resided in London. He was personally cognisant of another case in Cumberland, where the clerk resided seventy miles from the court to which he was attached. There were very large salaries appended to those situations, some even as high as 600*l.* a year. The clerks in several districts being non-resident, appointed deputies to transact the business for them, and some of these deputies were not conversant in the duties of the office, were not competent to give the necessary instructions to the litigant parties, and were even not licensed attorneys, as directed by the Act.

Sir GEORGE GREY remarked, that the right hon. Gentleman was mistaken with respect to the clerks being in receipt of large salaries. They received fees, and not salaries; and the Act provided that in no case should the amount received annually exceed 600*l.* a year. As to the appointment of the non-resident clerks, the judges had in some instances appointed clerks who did not reside in the same district as that in which the court was situated. But the practice seemed to be that the clerk attended personally when the judge was holding his court, or the deputy attended constantly in the office to issue summonses, and do the other necessary business. He quite agreed with the right hon. Gentleman, that the deputies ought to be persons fully qualified to give advice to those who should require it.

THE BOROUGH OF DERBY.

Mr. **STAFFORD** moved—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the Electing of two Burgesses to serve in the present Parliament for the Borough of Derby, in the room of the Right Hon. Edward Strutt and the Hon. Frederick Leveson Gower, whose Election has been determined to be void."

All the other suspended writs, however, having now been issued, with the exception of the disgraceful case of Leicester, and the case of Derby now under consideration, he hoped the House would not refuse to issue the writ for this borough, and that the noble Lord the First Minister of the Crown would at once withdraw the Horsham Borough Bill, and the hon. Member for Flint (Sir John Hanmer) the Borough Elections Bill; these three things being done on the distinct and clear understanding that the cases of all the boroughs in which bribery had been proved would be taken up by the Government, who alone at this late period of the Session could hope fairly to deal with them.

Sir **JOHN HANMER** expressed his cordial gratification that the noble Lord had taken the question into his own hands, and that they might look forward to see it fairly dealt with.

Mr. **FREWEN** opposed the Motion. He thought it would lower the character of the House to refuse a writ one day and grant it on the next.

Mr. **HUME** begged the House not to agree to the Motion. The hon. Member for North Northamptonshire had said a few days ago that if there was any chance of an inquiry taking place, he would not press for the new writs, and now that inquiry was promised he pressed for them.

Mr. Alderman **SIDNEY** thought that House the worst possible judge of its own proceedings. Unless the tribunal in election cases were removed from under the jurisdiction of the House, they would never have purity of election.

Mr. **F. O'CONNOR** said, that he had heard of large, very large, sums of money having been paid at the last election for the city of London—sums as large even as 2,000 sovereigns having been paid at a time. He had had a Committee of 13 non-electors; and one gentleman sent them a present of 65*l.*, being 5*l.* a piece; but they returned the money, refusing all remuneration.

Captain **HARRIS** thought the course the House were pursuing with regard to these writs contrary to the spirit if not to the letter of constitutional law. The franchise was conferred by the united Act of the three branches of the Legislature; and by thus withholding it for an indefinite period, the House of Commons was exceeding the power vested in them. The remedy against bribery was to be found in the existing statute law, by which it was held to be a misdemeanour, and the parties convicted liable to imprisonment and loss of franchise. It would have been more becoming and honest in the House to have directed the Attorney General to prosecute in the courts of law those cases which had come within its cognisance, than by withholding these writs to punish the innocent with the guilty, and to make their issue the subject of party strife.

Lord **JOHN RUSSELL**: With regard to this Motion, it appeared to him that the House having already decided at least twice that the writ should not issue, he thought that they ought to proceed according to precedents, of which they had so many, and defer issuing the writ until some fixed day, when hon. Members would be prepared for the consideration of the question. Unless this course were adhered to, the decision of a House of 300 Members, when a writ was refused, might be reversed on another day when there were not 50 Members present. He should move, therefore, as an Amendment—

> "That no Writ be issued for the Borough of Derby before Tuesday the 15th day of August next."

Amendment agreed to.

SUGAR DUTIES.

On the Motion that the House go into Committee on the Sugar Duties,

Sir **H. WILLOUGHBY** rose to call the attention of the House to the despatch of Lord Harris, dated the 21st day of February, 1848. He must complain of an erroneous statement made by the right hon. Gentleman the Member for Manchester. The right hon. Gentleman said that Lord Harris had stated that the cost of production on well-managed estates in the British Islands was 10*s.* 5*d.* The right hon. Gentleman had not read the whole of the passage in that despatch, which was as follows:—

> "On the best managed estates in the English islands, a cwt. of sugar may be produced for 2 dols., 50c. or 10*s.* 5*d.*; but the average range is from 4 dols. to 7 dols. or 16*s.* 8*d.* to 1*l.* 9*s.* 2*d.*; in Martinique, to 15*s.* 10*d.*; in Guadaloupe, the same; in Santa Cruz, from 2 dols. 25c. to 2 dols. 50c. or 9*s.* 2½*d.* to 10*s.* 5*d.*; Porto Rico, cheaper; of Cuba I have no correct information, but from

50c. to 1 dol. or 2*s.* 1*d.* to 4*s.* 2*d.*; which is the same as it was in Trinidad, I have heard, during the existence of slavery."

Lord Harris, in writing to Earl Grey, said—

> "I had hoped to have forwarded to your Lordship a return showing the average cost of cultivating the sugar-cane; of the manufacture of the sugar, the quantity produced per acre, with some other information, in the several English, French, Spanish, and Danish islands. The information has been collected, and is still collecting for me, by Dr. Mitchell, a physician of this island, who, I believe, possesses as much practical and scientific knowledge on these subjects as can well be combined in one person, and who has been travelling through the islands for me, in order to acquire a knowledge of the latest improvements of every kind. It has, however, been found so difficult to make any approach to average statements in numbers, that I am obliged to wait for further information; what I have actually collected goes to show, that in the English colonies the sugar has been produced at a considerable loss at the late prices."

And Lord Harris added this further remark—

> "In Trinidad, I believe, no sugar has been produced at a less cost than 3 dols. or 12*s.* 6*d.*, per cwt. but the average is between 4 dols. and 5 dols. Now, I find that the average price in the colony, for the last six months of 1847, was 3 dols. 83c. or 15*s.* 11½*d.*; so that the mere production costs more than could be obtained in the market, leaving nothing for the interest of capital, reserve for losses, &c."

The right hon. Gentleman the Member for Manchester had stated that the cost of production in the West India islands was only 10*s.* 4*d.* If that were so, it was even cheaper than in some foreign places. Now, as a good deal turned upon the cost of production, he would quote the evidence of fifteen witnesses upon this point, and challenge any Member in that House to refute it. He would first mention the cost of production at Cuba, and then compare it with the cost of production in the British islands. According to the evidence of Mr. Kennedy, who formerly represented Tiverton in that House, and now held an official position in the West Indies, the cost of production at Cuba was from 6*s.* to 8*s.*; according to the evidence of Mr. Overman, from 6*s.* to 8*s.*; according to the report of the House of Assembly at Antigua, from 8*s.* to 10*s.*; according to Mr. Moody, from 8*s.* to 10*s.*; according to Governor Reid, from 11*s.* to 12*s.*; according to Mr. Tollemache, M.P., 8*s.* 6*d.*; according to Mr. Geddes, 10*s.* Mr. Shaw stated that, at Porto Rico, 10*s.* covered all expenses. Mr. P. Borthwick said the cost there was 12*s.*; Mr. A. R. Scott stated that he had bought sugar there at 7*s.* 6*d.* per cwt., and that 10*s.* was the average price. Mr. Crawford said it was 9*s.* 4*d.*; Lord Harris said the cost of production there was from 2*s.* to 4*s.* 2*d.*; Mr. Barkly, from 6*s.* 6*d.* to 8*s.* 6*d.* The hon. Gentleman quoted other evidence to the same effect. According to the evidence of Mr. B. Greene, the cost of production at St. Kitt's was, during slavery, 4*s.* 6*d.* per cwt.; during freedom, 21*s.* 7*d.* Governor Reid said that at Granada the cost was, during slavery. 5*s.* 6*d.* to 6*s.*; during freedom, 14*s.* 6*d.* to 21*s.* 4*d.* Mr. Geddes said the cost at Jamaica was, during slavery, from 4*s.* to 14*s.* the average cost, 10.; during freedom, 20*s.* to 26*s.* Lord Harris said that in the former period at Trinidad the average cost was 2*s.* 3½*d.* per 100 lbs; during the latter, 10*s.* Dr. Rankin said the cost in our West Indian possessions generally was 6*s.* 5*d.* during slavery, now it was from 20*s.* to 23*s.* Mr. Shand said that during slavery it was 7*s.* 11*d.*, now 28*s.* 6*d.* Mr. Naghten said that at Demerara the cost during slavery had been 6*s.*, now it was 1*l.* 8*s.* 5*d.* From the report of the Jamaica House of Assembly it appeared that the cost of production there at present was 1*l.* 2*s.* 7½*d.* Lord Howard de Walden said it was 20*s.* in the districts where the property lay; Mr. Todd said it was 16*s.* at St. Lucia; Mr. Pile said it was from 18*s.* to 20*s.*; Mr. Carrington said it was 15*s.* At Barbadoes, Mr. Wollsy said it was from 19*s.* to 28*s.* At the Mauritius, Mr. Hunlis said it was from 18*s.* to 20*s.*; Mr. Blythe said it was 23*s.*; Mr. Chapman that it was 20*s.* In the East Indies, Mr. Bagshaw said it was 22*s.*; Mr. Ellis that it was 18*s.*; and Mr. Wrinsted said it was 18*s.* to 20*s.* there. He thought he had quoted sufficient to show the House not merely the immense difference there was between the cost of the production of sugar now, as compared with the period of slavery in our West India islands, but also shown how utterly unable our colonists were to compete with the foreigners, in consequence of the difference in the cost of production being so greatly in favour of the latter. He hoped he should not again hear those erroneous statements which the right hon. Gentleman the Member for Manchester (Mr. M. Gibson), and the hon. Member for Westbury (Mr. Wilson), had introduced for the purpose of supporting their views. It had been established that the cost of production in our possessions, as compared with that in slave States, was as 2 to 1, and the quality of the foreign sugar, as compared with ours, was as 6 to 5. In any scheme which the Government intended should really benefit the West Indian colonies, these two important facts must be borne in mind and acted upon.

House in Committee.

On the question being put on the Resolution proposed by the Minister,

MR. BARKLY rose to propose the Amendment of which he had given notice. He did not propose to alter the rates of duty upon foreign and colonial sugar, but simply to arrest the progress of the Bill of 1846, except that he proposed to make an alteration in the standard sample at the Custom-house on which the duties were levied, and to substitute the new standard which the Government had adopted for brown clayed sugars, so that there might be only one class for all clayed sugars, instead of the two classes, as proposed by the Chancellor of the Exchequer. He proposed to give a minimum protection of 4*s.* 6*d.* per cwt. on muscovado for six years, and a maximum protection of 7*s.* 7*d.* upon clayed sugar for the same period, so as to obviate the complaints of the sliding-scale of duties in the Bill of 1846. His proposition would not hazard a sixpence of the revenue; but he admitted that he was anxious to see a reduction of the present high duties upon sugar whenever the state of the revenue would afford it. He was not averse to a bold experiment on the subject, if it could be made, with a view to save our colonies from destruction. The Government were frittering away the revenue by their reductions of 1*s.* per year, without any corresponding advantage to the consumer, for the reduction was so small that the profits would go into the pockets of the retailers. He knew his plan would not be satisfactory to the colonies. He had brought forward this Amendment much upon the same grounds as those upon which he had voted for the plan of the hon. Member for Droitwich, and, although he felt that he was laying himself open to the charge of inconsistency, that was a matter of far less importance than if he were to be instrumental in depriving the colonists of that protection which he believed to be necessary for them. The hon. Member moved to substitute 14*s.* per cwt., instead of 13*s.*, on muscovado sugar not equal in quality to white clayed.*

Question put.

The **CHANCELLOR OF THE EXCHEQUER**: The alteration proposed by the hon. Gentleman was, that the duty upon brown clayed foreign sugar should be raised to 21*s.* 7*d.*, instead of being left at 20*s.*, as proposed by the Government, being an increase of 1*s.* 7*d.*, and that the higher rate of duty be for six years, instead of one year, with an annual reduction to 10*s.*; and the hon. Gentleman had argued that his proposal would involve an easier process as regarded the distinction between the sugars. On that point he could not agree with the hon. Gentleman, and the proposal of the Government was founded on the report of the Committee, the object being to give additional protection in this respect to the producer of West India sugar, and at the same time to preserve the interests of the consumer. Now, if the proposal of the Government was for the benefit of the producer, by giving him protection, as well as for the benefit of the consumer, by securing low prices, the hon. Gentleman, by his proposition, would enhance the price to the consumer. The Government gave to the colonial producer the benefit of a protection of 7*s.*; and the result of probable large imports would be that prices would be kept down, stocks on hand would be increased, and the increased consumption would make up the deficiency in the revenue. But if that protection was given by enhancing the duty on foreign sugar, thereby increasing the price, the hope was taken away of the increased consumption making up the deficiency, and the consumer was deprived of the benefit sought to be conferred upon him. The hon. Gentleman proposed to continue this differential duty for six years, making no provision for the increased consumption of future years; but that at the end of the six years the duty should drop, instead of allowing it to wear out, as the Government proposed, by a fall every year. But there would be a stagnation of trade produced by the sudden cessation of all differential duties in one year, and the regular progress of commerce interfered with. He could understand that it might suit the purpose of owners of estates, under certain circumstances, to enjoy a high protection for a given time, and then for the duty to cease, and that they might in the interim get rid of their property; but the duty of the Government was not to provide for the interests of two or three parties who might have certain pecuniary transactions which might render such a course desirable, but to shape their proposals for the general interests of the colonies and of the consumers. The question was, how the protection could be given with the best advantage to the permanent interests of the colonies; and he thought that the proposal for a gradual diminution of the duties, enabling, as it would, parties to prepare for competition, would tend far more to those permanent interests than a plan by which the high point of protection, fixed at starting, was to be kept up for a certain time, and then suddenly to cease. As to the other proposal of the hon. Gentleman, that the duty on colonial sugar should remain at 14*s.* for the whole of the six years, the hon. Gentleman had himself admitted that he was open to the charge of inconsistency, in first voting for a 10*s.* duty, and now to resist the proposal of the Government; but he (the Chancellor of the Exchequer) would make no remark on that, but merely say that the whole purport of the information received by the Government from the West Indies, and of the report of the Sugar Planting Committee, upon this point, went to show that a reduction of duty upon colonial sugar was desired in the West Indies with a view to increased consumption. The right hon. Gentleman read an extract from a petition from merchants and others residing in Kingston, Jamaica, complaining of the heavy imposts levied upon their productions by the Home Legislature, thus rendering the price of their necessaries of life nearly double to the consumers in Great Britain. He merely quoted that as a specimen; but the applications from the colonies were universal for a reduction of duty on their produce with a view to the extension of consumption. The proposal of the Government was no doubt a compromise between two competing interests; it was to give the higher rate of protection to the producer in the first instance, but gradually diminishing, and to give the consumer as an advantage what the Government believed would be a security for the maintenance of sugar-planting in the West India islands, and ultimately to indemnify the consumer, by reducing the price of sugar as far as it was dependent upon the duty levied in this country. His belief was, that by reducing the duty on foreign sugar the Government did, so far as depended on legislation, reduce the price of all sugars; thereby extending the consumption in this country. They conferred a benefit on the consumer by low prices; they extended the consumption to the advantage of the revenue; while they maintained a protection to the producer to enable him to prepare for competition. He believed that the same principle would apply to sugar as had been applied to other trades and to agriculture of late years—lower profits and larger production. The right hon. Gentleman then referred to the greatly increased consumption of sugar which had occurred correlatively with the reduction in price. There would be an increased consumption from the fall of prices not in the first year only; in each succeeding year, even if there were no additional fall of prices, the increase of the consumption would go on. The effect of the fall of 11*s.* 9*d.* in 1845 was an increased consumption to an enormous extent. With the prospects of the present year, the large stock on hand, and other circumstances, he did not think he was too sanguine when he expected an increase in the consumption of sugar to the extent of 15,000 or 20,000 tons. The habit of consuming sugar was increasing; and in the manufacturing districts of Yorkshire, there was a complaint of the diminished consumption of milk in consequence of sugar being substituted for milk. The proposition of the Government, of gradually reducing the duty and reducing the price, would afford the means of stimulating the consumption each year; whereas in the proposition of the hon. Member, there was nothing that could contribute to increase consumption by means of a diminution of price. By the Government plan, there might be expected an increased consumption of sugar year by year. He had shown, on a former occasion, that there was a prospect of little loss to the revenue by the plan of the Government, though circumstances might defeat his calculations; but he saw no reason to believe that the consumption would amount to less than from 305,000 to 310,000 tons, and that would leave no loss to the revenue. The reduction of price would proceed on equal terms each year. Therefore, he thought the proposition of the hon. Member objectionable; for by raising the price of that description of sugar which regulated the prices of all sugars, it would do an ultimate injury to the consumer, and did not give to the West India producer that advantage which the Government measure proposed to give him; so that whilst the consumer and the producer would, in his opinion, be both benefited by the Government plan, the hon. Member's proposition would injure both; and he did not think that by the former any serious risk to the revenue was incurred. By the proposition of the hon. Member, he thought the revenue would be risked, and, therefore, he should resist that proposition, and sustain the plan of the Government, as affording a sufficient relief to the producer, without injury to the consumer or risk to the revenue.

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* The whole plan of the hon. Member was to be thus carried out:—

"British Plantation—from and after 5th July, 1848, to 5th July, 1854, inclusive: double refined, 1*l.* 1*s.*; single refined, 18*s.* 8*d.*; muscovado, 14*s.*; molasses, 5*s.* 3*d.*

"Foreign—from 5th July, 1848, to 5th July, 1854: double refined, &c., 1*l.* 7*s.* 9*d.*; single refined, 1*l.* 4*s.* 8*d*; brown clayed, or equal thereto, 1*l.* 1*s.* 7*d.*; muscovado, 18*s.* 6*d.*; molasses, 6*s.* 11*d.* From 5th July, 1854: same rates as British plantation."

MR. GLADSTONE said, the question immediately before the House was simply whether they should have a duty of 14*s.* or of 13*s.* upon colonial muscovado. As far as that question was concerned, undoubtedly many Members might give their vote, as he should, in favour of the proposition of his hon. Friend, without being friendly to the whole of it. But his hon. Friend had reasonably asked what those persons, who might join him in voting for a 14*s.* duty, intended to do in the ulterior stages of the measure, in case he should succeed in his first object? and he (Mr. Gladstone) thought he was bound to give as full and as fair an answer to that question as he could. It appeared to him that more aid was due to the West India colonies than could conveniently be given to them in the form of protective duties. He had on previous occasions referred to several modes in which aid could be given. One was by lightening the charges of Government; another by giving greater discretion and control over the revenue, and the entire assumption of certain charges now borne by the colonies; and next by the application of some vote of public money, under the form of a loan, or a grant: he was disposed to prefer a grant to encourage immigration. It would be well worthy of consideration whether it should not be a grant, because, by stimulating the colonies to immigration and works of improvement, material and permanent benefit would be conferred on the colonies by the cultivation of property. If what he thought the West Indies required could be done in such a form as this, he should prefer it to seeing an increase in the rate of the protecting duty. But he had heard nothing of encouragement from the Government to lead him to suppose they contemplated providing material relief in this, the form the West Indies thought they most required it. He therefore frankly told his hon. Friend, if no such relief should be afforded, he should hold himself entirely free to combine with him in the ulterior stages of his proceedings, and vote for a differential duty somewhat higher than he should have proposed himself, because it seemed the only way in which relief could be obtained. But the first question—and it was a most important one—was the imposition of a duty of 14*s.* on muscovado sugar. He thought the West Indians had a claim upon the Government, which it was incumbent upon it to take some step to satisfy, not only on considerations of general policy, but on account of the extraordinary circumstances connected with the admission of foreign sugar released from bond on the previous day, and of course still entitled to be released, and of other cargoes of foreign sugar, amounting, he was told, to not less than 20,000 tons, which were either on their way to this country, or had been ordered. With respect to this sugar, he thought the Chancellor of the Exchequer would find it a matter of the greatest difficulty to make good the exaction of a 20*s.* duty. He must guard himself against being supposed to give any opinion whether the importers of that sugar had a claim on the Government or not; although, as the hon. Member for Kirmarnock had given notice of a Motion on that subject, he would not then enter into this question. For the present, he would confine himself to the fact that from 10,000 to 12,000 tons of sugar, with respect to which the West Indians had been promised the protection afforded by a 20*s.* duty, had been admitted at 18*s.* 6*d.*, while it was at least a possibility that about the same quantity would have to be admitted at the same amount of duty. It had been justly said that the first year would be the year of greatest pressure to the West Indians; yet it was obvious that a portion of the protection, namely, 1*s.* 6*d.* per cwt., which they had been led to expect during that critical period, would be virtually destroyed. He thought this afforded a reason for introducing some modification into the plan of the Government. He would not argue at any length that feature of the plan of his hon. Friend (Mr. Barkly), by which he proposed to maintain the present duty for a term of six years. He adhered to the preference which he had expressed, of a permanent duty to a shifting duty. It was not a lingering death that the House was contemplating in the case of the colonies. They wanted to see the colonies brought to a state of life and vigour. What was required by the colonists was aid, extending over a period of years, which would afford to them opportunities for making fresh investments of capital, and not a state of things requiring a change of calculations every twelvemonth. But he confessed that the proposition of his hon. Friend was mainly recommended to him by the fact that he thought it more honest —the sense in which he used that term would, he was sure, be understood—more honest and straightforward as respected the revenue, than the proposition of the Government. Undoubtedly his hon. Friend did raise the price to the consumer by 1*s.* 7*d.*, and his plan did not present the comparatively attractive aspect in that respect which was presented by the Government plan. At the same time, he must observe, that if the right hon. Gentleman professed to favour the consumer by a plan which would eat away his revenue, and did not provide means for restoring it, it was in vain that he talked about the benefit which he conferred on the consumer, because all that would tell in the increased amount of his deficit, and the consumer would be called to make that good in some other form. Something had been gained from the right hon. Gentleman by these discussions, for that evening he had made the distinct avowal that 240,000*l.* was to be given from the revenue of the country to the West Indians by the plan of the Government. It was no longer 10,000*l.* or 40,000*l.*; the right hon. Gentleman now confessed that in the first year their loss would be 240,000*l.* Now, he would take the liberty of adding to that amount the difference between 18*s.* 6*d.* and 20*s.* on foreign sugar, which, contrary to the intentions of Gentlemen, had been admitted at the lower rate of duty. His belief was, that a loss of 50,000*l.* would be sustained on that account. Thus a loss of nearly 300,000*l.* would be thrown on the revenue. Now, as far as the first year was concerned, it had been most candidly and explicitly owned by the hon. Member for Westbury (Mr. Wilson) that there was in the Government plan no reproductive power whatever. There would, therefore, be a sheer gift out of the revenue for the first year, because there would, during that period, be none of that reduction of price to the consumer about which the House had heard so much. He must say that a great deal more had been said on that part of the subject than it deserved. It might be supposed that some gigantic reduction was going to be effected—that some change was about to be made in the market, which would give a powerful stimulus to consumption, and tend to restore the revenue. He did not think the plan of the Government could possibly produce any such effect. It could not be shown that from a remission of 1*s.* in the first year, 2*s.* in the second, 3*s.* in the third, and 4*s.* in the fourth, they had a right to expect any great addition to the consumption of the country. The Government spoke of experience, but all experience was against them. The noble Lord had referred to a great number of years, and had shown what effect given reductions in price had in stimulating consumption; and it had been invariably found that from a reduction of 1*s.* they had no right to expect, even under favourable circumstances, an increase of more than two or three thousand tons in the consumption. That was altogether insufficient to replace what it was now proposed to take away from the revenue. After four years, the loss would probably be in a great degree replaced; but during the lapse of those years the reduction would come into play very feebly. Taking nothing off the price of sugar in the first year, taking off only 1*s.* 6*d.* in the second year, and only 3*s.* in the third, had the Government any right to expect on such grounds that they would replace the 240,000*l.* taken from the revenue in the first year, the 480,000*l.* in the second year, and the 720,000*l.* in the third year? No single instance could be adduced in which such an effect had been produced by such a cause. The Government were really setting experience at defiance; they were setting at defiance the very information which they had quoted for the purpose of influencing the judgment of the House, if they told them that on account of such reductions in the price to the consumer the revenue would be restored. But the right hon. Gentleman said there would be an increased consumption arising, not from the operation of the plan, but apart from it. He said that in the first year there would be an increase which would go far to make up the loss. Now, he objected altogether to the practice of counting upon the revenue of future years to make up the deficiency of past years; and that was his reason for saying that the plan of the hon. Gentleman (Mr. Barkly) was more honest and straightforward than that of the Government. If there were one thing more dangerous than another, it was the bringing forward measures by which a present popularity was earned through inflicting heavy charges on the revenue of comparatively distant periods, leaving the difficulty to be provided for in future Sessions, and perhaps by future Parliaments. But he would now confine himself to the first year of the operation of the Government plan. The right hon. Gentleman anticipated an increase of from 15,000 to 20,000 tons in the consumption of the present year. Under ordinary circumstances it was scarcely usual to impugn the calculations of the Chancellor of the Exchequer; but he must say that even if this increase did take place, the right hon. Gentleman had no right to use one farthing of it as a set-off against the loss involved in his plan; because the right hon. Gentleman must have had that increase in view when he made his financial calculations for the year; and the noble Lord must have contemplated the same increase when he told the House that he thought the Customs duties for the year would amount to 19,720,000*l*. On a former occasion he had argued that the accounts for the four months which had elapsed of the present year, did not justify the anticipations of the right hon. Gentleman with regard to increased consumption, and he was sorry to say that those anticipations now seemed still less likely to be verified. On the previous day the accounts for the fifth month had made their appearance, so that they had now the means of comparing the first five months of 1848 with the corresponding period of 1847; and it must be borne in mind that even the first five months of 1848 showed a great fall in price, and that no corresponding advantage could be expected in the seven last months of this year as compared with the corresponding seven months of last year. Although the right hon. Gentleman ought to be able to show an increase of 7,000 or 8,000 tons in the first five months, those five months exhibited no increase whatever, but a decrease of 18,000 cwt. as compared with the first five months of 1847. There was consumed in the first five months of 1847, 2,473,000 cwts.; in the first four months of 1848, 2,455,500 cwts. But it was the consumption in the last of the five months which afforded the best indication, because it was only then that there had been anything like an equality in price. The fifth month of 1847 showed a price not very different from that in the corresponding month of 1848, and, therefore, presented a test of the consuming power of the country. In that month the consumption in 1847 was 569,000 cwt.; in the fifth month of 1848 it was 511,000 cwt., showing a decrease of nearly 60,000 cwts. in the consumption for this month. He thought it hardly possible that the right hon. Gentleman could adhere to his computation in the face of such evidence. The right hon. Gentleman thought that, because there was a great increase of consumption, without any marked change of price, in 1846, he might anticipate a very great increase in 1848. Why, the year 1846 was a year of almost unparalleled energy in every species of commercial enterprise and expenditure. There had since been a great contraction of that energy, and the right hon. Gentleman had no right to draw the inference which he had drawn. Now, the right hon. Gentleman must forgive him for saying that although he (Mr. Gladstone) was sensible of the disadvantage of connecting with the immediate question before the Committee the general finances of the country, yet he could not but look at the deficiency which existed in the revenue—a deficiency which was rather threatening to become chronic—and remember that all plans affecting either the receipt or expenditure of public money necessarily involved some discussion on the state of the finances. The right hon. Gentleman had, in the course of those discussions, given the House another view of the finances of the country during the year, and had sent forth from those walls a word which had been music to the ears of the commercial world, when he spoke of a deficiency of half a million in the revenue of the country, instead of the two millions which he had previously given them reason to expect. That question was so essentially connected with the present one, and he was so sensible of the danger of augmenting the deficit without some clear explanation of the mode in which the deficit was to be supplied, that he must make some reference to the right hon. Gentleman's calculations. The right hon. Gentleman had estimated a saving, including the militia, of 685,000*l*. If that saving were a reality, it must afford to all the greatest satisfaction; at all events, it was a good item in the amount. The right hon. Gentleman also spoke of an improvement in his revenue. He was at a loss to reconcile those calculations of the right hon. Gentleman with what had appeared on the previous day; but still, knowing the superiority of the right hon. Gentleman's means of information, he would assume that in that respect also the right hon. Gentleman was correct, and that, combining reduced expenditure with augmented revenue, the right hon. Gentleman stood before the House 1,000,000*l.* better off, so far, than he did in the month of February, when he presented to the House his financial statement. But really with respect to the next item—the 500,000*l.* which the right hon. Gentleman proposed to raise from what he called "appropriations in aid"—he thought they would not be doing justice either to themselves or to the country if they regarded that as affording any real change in the financial condition of the country. It was merely a disguise—it was taking that which should go in diminution of estimates next year to fill up a portion of the deficiency of the present year; and he thought it would be a very great misfortune were it treated in any other manner. It was a financial expedient which might be recommended by convenience; but it would be a practical fallacy if a statement were sent forth to the country in which that 500,000*l.* was included, and if they spoke of that as a real reduction of expenditure. There was, therefore, 500,000*l.* more to be added to the deficiency of 500,000*l.* stated by the right hon. Gentleman, besides the 300,000*l.* which, it was perfectly plain, the plan of the Government with respect to sugar would cost. There was also that anomalous head of expenditure, which he trusted would one day, and at an early one, change its form; but which they had heard of for several years past under the name of the navy excess, and the periodical visits of which had been so regular, that they might be counted upon next year. He felt no doubt that a vote for navy excess might be expected next year, and that it was much more likely to exceed than to fall short of the last amount, namely 30,000*l.* Thus it appeared there was the 500,000*l.* of deficiency, which the right hon. Gentleman had acknowledged; there was the 500,000*l.*, which was only apparently covered by the appropriations in aid; there was 300,000*l.* taken conjecturally on account of navy excess; and there was a loss of 300,000*l.* to be sustained from the sugar scheme of the Government. And, therefore, he said, if they wished to conceal nothing, but to look circumstances fairly in the face, they must confess that there was a deficiency of 1,600,000*l.* upon the estimates for the year. He could not regard the deficiency of the present year in the same light as if it had been the first deficiency which they had had to encounter. A single deficiency was in itself a matter of small consequence; but there was a fatal tendency in one deficiency to entail another, and while it was the fatal tendency of the House of Commons to refuse to make up a deficiency in one year, that tendency acquired still greater force in the next. Last year the House had to submit to a measure which was undoubtedly contrary to every safe and sound principle: they were obliged to consent to the borrowing of a large loan in a time of peace. But the Government pleaded, in justification, the extraordinary circumstances of the times; and they said, that so sensible were they that extraordinary circumstances alone could justify such a measure, that in the very next year they would proceed, not only to equalise income and expenditure, but likewise to make provision for the rapid absorption and repayment of the loan. Of that absorption and repayment the House had heard nothing whatever; but a very considerable deficiency had been presented. Now he was not prepared to admit that it was to the indisposition of the House of Commons to decrease the deficiency that its continuance was ascribable. If he were asked to say why, in his opinion, the House of Commons had intimated, by certain unmistakeable signs, that it declined the proposition of a 5 per cent income tax, he must declare that he did not believe it was because the House was unwilling to equalise income with expenditure; he believed it was because the House, concurring in the sentiment which was mildly expressed by the right hon. Gentleman the Member for Portsmouth (Mr. F. Baring), on the night when the noble Lord made his financial statement, doubted whether there had been a fair consideration of what was due to the principles of public economy, and, in point of fact, had not that confidence in the Government estimates which it was desirable the House should entertain. That, he believed in his heart and conscience, was the reason why the House of Commons declined the proposal made by the Government, not because there was a cowardly disposition to flinch from one of the most painful, but at the same time one of the most essential and important of its duties, namely, to make provision for meeting the expenses of the year. It was because last year was an extraordinary year that he thought the House of Commons were bound to exercise peculiar jealousy as regarded the deficiency in the present year. If last year were an extraordinary one, it was the more necessary to draw a broad line between that year and ordinary years. If after having had in an extraordinary year a large deficiency, they allowed a deficiency to pass in an ordinary year without making efforts to supply it, what prospect had they for the future? What right had they to suppose that there would be more courage in another Session, supposing the depression which now existed should continue; and who could say that it would not? It was very well to entertain hopes, and he should be sorry to create gloom by representing the case as darker than it really was; but this he must say, that they had no right to assume, as a matter of certainty, that the condition of trade and the demand for employment in this country would be better twelvemonths hence than they were then. He regretted to say, that the returns of the trade of the country during the present year did not show any improvement as compared with last year. It appeared that the exports of British manufactures, which in the first five months of 1846 amounted to 20,600,000*l.*, and in the first five months of 1847 to 20,800,000*l.* had sunk in the first five months of 1847 to 17,946,000*l.* He believed, too, that he was correct in stating, that a very large part indeed of the falling-off was during the fifth month; and therefore the signs of revival, whatever they were, must be considered as existing more in hope than in possession. It was the duty of Parliament to look circumstances fairly in the face. The right hon. Gentleman, instead of an improvement, might have next year to report a further decline in the trade of the country; and if, after the House had had in 1847 a large loan, and in 1848 a large deficiency—if, in 1849, the Chancellor of the Exchequer had to show that the circumstances of the country were worse than in 1848, he was afraid he would have but too plausible reasons for requesting the House of Commons to tolerate a third year a deficiency, saying, "In 1848 it was thought wise to tolerate a deficiency, and now the public necessity for toleration has become more evident." He could not refrain from expressing, in the most definite terms, his opinion that neither the Government nor the House of Commons would discharge its duty if this Session should come to a close without their having taken effectual measures for equalising the income and expenditure of the year. It would not do merely, by small alterations, to bring the two a little nearer, and by ingenious expedients to reduce the deficiency; it would not do to depend upon expedients which did not go to the root of the evil. Why depend upon some commutation of the previous statements? It was their duty at all times, but especially then, after the precedent of last year, to act upon that principle of equalising income with expenditure, which —although undoubtedly many higher, and more inspiring, and more ennobling subjects might come under consideration— after all, constituted one of the first and most essential duties of the House of Commons. Therefore he felt it necessary to enter his protest against the voting away of large sums of public money which the plan of the Government would, as was confessed by the right hon. Gentleman, draw from the revenue during the first year of its operation, until the House had from the Government a distinct pledge that it was their intention to propose, as a Government, and to urge forward with all the powers they possessed, measures for equalising the income and expenditure of the year. He held it to be an excellent feature of the plan of his hon. Friend, that he did not thus tamper, in the face of a large deficiency, with the public revenue. He protested entirely against the assault made made upon his hon. Friend by the right hon. Gentleman, who taunted him by saying that the demand for a reduction in the duty on sugar was a demand which had been universally made by the colonists who had petitioned the Legislature. His hon. Friend did not propose to vote away money every farthing of which was already pledged for the existing expenditure of the country. No sane statesman or financier wishing to effect a reduction of 4*s.* in the sugar duties, and being able to effect it, would, after the experience of late years, distribute that reduction over four years instead of making it at once. The effect of these small reductions was, that although they ultimately found their way into price, and therefore into consumption, they did not immediately exercise any sensible stimulus, or any restoring power on the revenue.

It was pretty well established as a general principle, that it was good economy to make reductions, not by dribblets of the kind proposed, but by such an amount of reduction as would materially act on consumption, and therefore have a visible effect in restoring the revenue; and if that were so, it was hard that those who were against a reduction shilling by shilling should be charged with being against reduction altogether. He utterly protested against the calculations of the right hon. Gentleman with regard to the increase of consumption. He protested against them because he thought them—he would not say impossible, but improbable, and, therefore, very unsafe to assume as certain. But especially did he protest against them, because, even if they were sound and true, the right hon. Gentleman must have taken credit for them before in his estimates of the income for the year; and he had no right to take credit for them twice over, or to regard them as a set-off against the loss which would be sustained by the revenue if the Bill passed the Legislature as it stood. He thought that, in justice to the colonies, it was right that some modification of the Government plan should be introduced. He thought the Government ought to go further; and if they did not, he should hold himself perfectly free to vote with his hon. Friend in the ulterior stages of his proposal, though he was greatly opposed to any increase of the differential duty. At the same time he felt that in supporting his hon. Friend's present proposal, he was supporting that which was for the future and permanent welfare of the country.

Mr. LABOUCHERE said, that though he did not complain of the general subject introduced by the right hon. Gentleman, he must say that his speech was devoid of that fairness which generally characterised his addresses. He never heard a speech more tinged with a desire to fix imputations on those who were politically opposed to the speaker. The right hon. Gentleman began by stating that he thought the measure proposed by the Government with regard to sugar was, financially speaking, of a dishonest character. [Mr. Gladstone begged to withdraw the expression; he had meant that it was a dangerous and delusive kind of measure.] He had not supposed that the right hon. Gentleman intended to impute moral dishonesty. The right hon. Gentleman had said that it was a most improper course to make a statement which would apply to the revenue of future years; but when he recollected that the right hon. Gentleman was one of that Administration which introduced a measure as to the timber duties, dealing with that article of consumption and taxation precisely in the same manner as Government had dealt with the article of sugar, he thought the right hon. Gentleman must have a very short memory to make such a charge against the Government. But there was another statement of the right hon Gentleman which he had heard with still more astonishment; the right hon. Gentleman had told us that we were considering the finances of what was called an ordinary year in the history of this country. How the right hon. Gentleman could call this an ordinary year was a matter of astonishment. If it had been an ordinary year, looking at the manner in which this country had borne up under the pressure of what he must call most extraordinary circumstances, his conviction was that we should already have been in the spring-tide of returning prosperity. When he looked at the manner in which this country had supported the deprivation of the European markets, which struck so fatal a blow to the industry of the manufacturing districts, although the exports had fallen off in consequence of those events; yet when he looked at the manner in which the consumption had been kept up, and in which the internal trade had been supported, he must say that the country never exhibited a stronger proof of the solidity of its resources, of the buoyancy of its commercial greatness, and of the manner in which it was able, under adverse circumstances, to weather a great political storm. The right hon. Gentleman had adverted to the returns just laid on the table of the House, from the Board of Trade, containing an account of the consumption during the last month, as compared with the corresponding month of last year. It was true that there was a considerable diminution in the consumption of sugar; but he would invite the attention of the House to other articles, which indicated, quite as much as sugar, the consumptive power of this country. Look at the article of tea. So far from falling off, tea had considerably increased. In the month ending the 5th of June, 1847, 3,690,000 lbs. of tea, in round numbers, were consumed; in the corresponding month of this year 4,900,000 lbs. were consumed, showing a very considerable increase in the consumption of that article, which showed, most of all, the power of consuming in this country. In coffee there was certainly a falling-off in the consumption, in the month, but it was not considerable; and on looking at the five months of 1847 and 1848, there was a still less diminution in the quantity of consumption of coffee. If the right hon. Gentleman would extend his view beyond sugars, he would agree that there was a most satisfactory and gratifying proof of the manner in which the condition of the country had borne up under circumstances which had crushed and ruined the commerce of our neighbours. He would not follow the right hon. Gentleman in his remarks on the finances of this country into any detail. They would doubtless have other opportunities of discussing this subject; and he was unwilling to interfere with the progress of the debate, which, he hoped, was approaching its termination, on the sugar duties, by entering into that wide field of discussion which the right hon. Gentleman had not improperly introduced. As to the proposal immediately before the House, he must say that he preferred decidedly the proposal of the Government to the Amendment of the hon. Gentleman the Member for Leominster. The scheme of the Government terminated in a general duty, and all sugars were to be admitted at 10*s.*, whilst the hon. Member levied a duty of 14*s.* There were two interests which it was most important to attend to in discussing this subject—he meant the interests of the West Indian planter, which all were desirous of improving by legitimate means, and also the interests of the consumer; and he believed that in this respect the interests of the consumer and planter were strictly indentical—he believed that it was to the increased consumption of sugar in the market of this country that the planter must look, in the long run, as the best chance of supporting his own interests as a sugar producer; and he could not agree that the difference of price between 14*s.* or 10*s.* would be immaterial in affecting the markets in this country, nor could he agree with the right hon. Gentleman in the objection he raised against the plan of the Government, viz., that it produced the diminished price, not by a sudden fall, but by a dropping scale. He heard all these objections to a dropping scale with some surprise, considering the quarter from whence they came. He believed that a dropping scale was, for the first time, introduced into the legislation of this country by the Government of which the right hon. Gentleman was a Member. When the Legislature had determined on altogether reducing the protection heretofore given to articles of general consumption, he was by no means sure that there were not great advantages in arriving at the abolition of protection by means of a dropping scale. He admitted that the certainty of a falling market was always an inconvenient thing for those who had to deal with that market; but when this principle was applied to articles of general consumption, the evil was very much abated. At the same time, if they proceeded on the principle that the duty was at some fixed period certain to terminate, and if the termination was necessarily foreseen by all those engaged in the purchase or consumption of this article, they could in no way avoid the same inconvenience, the same embarrassment to trade, the same paralysis of the market necessarily arising from the contemplation of this reduction of duty. They could not deal with it as a question of immediate reduction of the duty, where the Chancellor of the Exchequer was able to come down, taking the country by surprise, and announcing his intention of abolishing a duty. Here was a case where you necessarily foresaw, long before the intention to terminate the duty, that you must provide for that; in that case you had only a choice between two difficulties — either you must have this dropping scale, the disadvantages of which he admitted, but which were counterbalanced by being applied gradually to articles of general consumption; or you must do that which would be the result of the scheme of the hon. Member for Leonister—all at once suddenly and abruptly terminate the duties. He believed that the evil effects of adopting a course of that sort would be greater as to sugar, than by allowing the duty to terminate by a dropping scale. What would be the consequence? This sudden alteration of duty would act as a dam, throwing back an immense mass of sugar, which would be kept from coming into the market, but would be poured on the market like an avalanche afterwards. He believed that the embarrassment would be greater by the plan of the hon. Member for Leominster than by the plan of Government, which would gradually equalise the duties. He had stated that he believed the plan of the Government to be more advantageous both to the consumer and to the West Indian planter;

and he thought that the hon. Member for Leominster did not profess to put very high, as regarded the planter, the advantages of his plan over the plan of Government; but there was another great interest to be considered—he meant that of the revenue. He was not sanguine enough to believe that, spread over a period of years, introduced gradually, as it would be, by the plan of the Government, that the increase of consumption would, even with regard to the revenue, make up for any apparent loss which there might be in the difference of the two plans. It was impossible for any one who had followed this subject at all, not to be aware how very sensitive the article of sugar was as to any diminution of price. The noble Lord the Member for King's Lynn had supplied the House, in that very elaborate report which he had prepared for the Committee, with details calculated with industry and ability, and had given some curious information and calculations on this part of the subject. The noble Lord had collected, for a series of years, a list of prices, by which they were able to see the operation of price on the consumption of sugar during the last twenty-five years; and if any hon. Member looked at the statement, he would see how any fall of price affected the consumption of sugar; but he would also find that even, independently of the diminution of price, the tendency had been in this country to increase the consumption of sugar; for there were some instances where the price remained as it was; and yet, notwithstanding that, comparing one year with the preceding, you were struck with the tendency to increased consumption. He found, for instance, that in 1837 there was a fall of 6*s*. 3*d*., and an increase in the consumption, in round numbers, of 22,000 tons. In 1839 there was a rise of 5*s*. 6*d*., and a diminution of 9,500 tons. In 1840 there was a rise of 10*s*. 4*d*., and a diminution of consumption to 11,000 tons. In 1841 there was a fall of 8*s*. 8*d*., and the increase of consumption 23,000 tons. In 1845 there was a fall of 11*s*. 9*d*., and the consumption increased 38,000 tons. In 1846 the change in price was unimportant, and yet the consumption was further increased by 17,300 tons. In 1847 there was a farther fall of 6*s*., and the increase 29,400 tons. He thought, therefore, that there was a disposition on the part of the public to increase the consumption, and, therefore, this diminution of duty, although it did not appear considerable in figures, yet operating on a state of things having a tendency in that direction, would increase that tendency; and they might therefore fairly calculate that the plan of Government would materially tend to that which would be a common benefit to the planter in the West Indies, to the consumer, and to the revenue, viz., a continued increase in the consumption of sugar. He believed the measure to be founded on sound principles in all these respects. It might not be so bold, or go so far, as might be warranted; but he believed that every part was founded on just and sound principles, and, believing that, he was sanguine of the result of the effects it was likely to produce. He could not agree with the right hon. Gentleman who had just sat down, that this was a wildly tampering with the finances of the country; on the contrary, he believed that his right hon. Friend (the Chancellor of the Exchequer) had taken a just view of the effects of this measure on the finances of the country. With regard to the present year, what he understood his right hon. Friend to state was this: that though he understood there was a considerable diminution of revenue, in this sense, that if the duty was not altered, and the consumption of sugar was left untouched, we should get more money from sugar than we could now expect if the House adopted the Motion of Government, yet that the whole revenue would by no means fall off to the degree the calculation would assume. He believed, that from the quantity of sugar likely to come in, from the low price of sugar likely to ensue in the next year, that we might fairly anticipate increased consumption during the ensuing year, which would bring up the revenue as far as his right hon. Friend had anticipated. Then the right hon. Gentleman the Member for the University of Oxford reproached the Government that a considerable quantity of sugar had come into the market at a rate of duty which the Government did not intend, and had complained of the effects which that would produce on the revenue and on the West Indian interest. He could assure the right hon. Gentleman that he very much regretted the circumstance: it was not the fault of the Government that it took place. He remembered that a few nights ago, when Government thought it right fully to apprise the House of the situation in which they stood in this respect, that the right hon. Member said, he agreed that this ought not to take place.

He intimated, apparently with the consent of the feelings of the Gentlemen opposite, that it should be arranged that the debate should terminate on the ensuing evening, so as to enable Government to report the resolution in time to prevent the occurrence taking place, which he regretted; he did not think it a seemly thing in the commercial legislation of this country, that sugar should come in at a rate of duty which was not the intention of Parliament. This was the proposal of the right hon. Gentleman the Member for Stamford, which, he thought, met with very general assent on the part of the House. But from what quarter did the obstacle come to this arrangement? Who were the parties who insisted on protracting the discussion which had already gone to a great length; and who were the cause of this flood of sugar having unexpectedly broken in upon us? To his surprise the proposal to adjourn the debate came from the able and distinguished Member of the West Indian body; it was moved by the hon. Member for Leominster, supported by the noble Lord the Member for King's Lynn, who had taken an active and prominent part on the side of the West Indians, and by the right hon. Gentleman himself, the Member for the University of Oxford, who said they were not satisfied with the discussion. The reproach, therefore, came with a bad grace from that quarter. He should not have referred to it if the right hon. Gentleman had not made a pointed attack on the Government for this casualty, and said they had been throwing away the public money, and perplexing the commerce of the country. He could not admit that they ought to have introduced this measure sooner. In such protracted discussions as it was now the habit to enter into, he knew not how early Government ought to introduce a measure to bring it to a satisfactory termination. The right hon. Gentleman the Member for the University of Oxford, whilst he taunted Government with the lavish manner in which they had been playing with the public money, intimated a disposition on his part to go further than they had at the expense of the public treasury. If the right hon. Gentleman intended to propose large grants of relief, he must say, that he thought the right hon. Gentleman's scheme was at least open to as much blame as the measure of Government. Her Majesty's Ministers had a sincere desire to go as far and do as much for the relief of the suffering interest in the West Indies, as they could do consistently with their duty to other classes; above all, they had refrained from not proceeding further in the path of higher protective duties and the longer continuance of the system of protection, because they were satisfied that such a course was not for the real interests of the West Indies themselves, and would inflict an unjust and unnecessary burden on the consumers of this country, and make an unnecessary sacrifice of the public revenue. He would still repeat what he had stated on a former occasion, that if he could have believed that the return of prosperity in the West Indies could be occasioned by increased protection, he was so sensible of the distress in those colonies, and so ready to admit that in many instances it could be traced to the vacillating legislation of the country, that he should have been prepared to go a great length in that direction; but he was fully satisfied that increased protection, so far from helping the West Indies to extricate themselves from embarrassment and difficulty, would only have clogged their efforts, and deprived them of the chances of profiting by the improved condition of commerce.

Mr. CAYLEY: The debate upon this question, the right hon. Gentleman (Mr. Labouchere) says, very justly, has been a very protracted one; but it has not continued one hour longer than the distress of the West India planters and the importance of the subject demand. These discussions, if abortive in some respects, have been at least useful in this—they have been fertile in very significant admissions on the part of the advocates of free trade. On three occasions have one or other of these admissions been made. The third has been made to-night by the right hon. Gentleman who has just sat down. In the debates on free trade, by the advocates of that system, it has always hitherto been held—in contradiction to the views of the protectionists—that free trade would not produce a fall in the rate of wages; on the contrary, that it would raise them. In the present discussion, however, almost every free-trade speaker has declared that the protection which this country has afforded to the West India produce has so sustained the rate of wages as to annihilate all profit to the planter; and that one of their principal reasons for refusing additional protection at the present moment to the West Indies, is their desire to lower the rate of wages in those colonies. This is the first admission. Again, on all previous occasions it has been argued by the free-trade school that the only principle which governs, or which should govern, the operations of trade, is that of supply and demand; and yet, when the opponents of slavery show the stimulus that has been given to the slave trade by the admission to this market, since 1846, of the slave-grown sugar of Cuba and Brazil, the hon. Member for Manchester (Mr. Bright) denies the tendency as well as the fact: thus giving the go-by to the doctrine which at other times he would have been among the first to profess, namely, that an important increase in the demand for the products of slave labour, must operate as a stimulus to the traffic in slaves. Thirdly, the right hon. Gentleman has just admitted that some portion of the industry of the country must be in a sound state to account for the revenue not falling off more than it has, at a time when the export trade, hitherto considered by his school the mainstay of the revenue, has declined so materially, and when every branch of manufactures is in a state of prostration and distress. But he forgot to remind the House that that sound part of the industry of the country is its agricultural interest; which, from the great population composing it, and from the late remunerating price of its produce, has sustained the revenue at a time when disaster and ruin have visited every other interest. And this is not the only period when the power of the agricultural interest has exhibited itself. During the French revolutionary war, when such an amazing amount of taxation and of loans were extracted from the property and industry of the country, it was also the flourishing state of our agriculture that mainly supported us in that mighty struggle: for the increase of the export trade during that war was comparatively small. This is the interest, the safety of which you are next year also about to expose to risk. You found at the commencement of this Session two interests more free than the rest from distress, and in the meddling spirit which has characterised our legislation of late years, you proceeded to tamper with them. I allude to the copper-mining and shipping interests. Next year comes the consummation, in the withdrawing of all protection from agriculture. Then, if the present state of depression continue, or if another should ensue, in what predicament will be the revenue of the Chancellor of the Exchequer? I have felt it important to notice these three admissions, and the change that appears to be taking place in the opinions of the free-trade school, especially since to our export trade so many sacrifices are making, and have been made. I pass now to the question more immediately before the House, with the view of stating why I shall feel it my duty to vote for the Amendment of the hon. Member for Leominster, in preference to the proposition of Her Majesty's Government. I admit, indeed, that the Government has shown a disposition to appreciate the existence of overwhelming distress in the West Indies; but what I complain of is this, that, in order to ascertain the exact amount of distress, we referred the matter to a Select Committee, and that Committee has made a report of what is absolutely necessary to meet the urgency of the case of West Indian distress. Why did not the Government adopt the recommendation of the Committee? I shall presently show why. It was because they did not, that I was in favour of the Amendment proposed on a late occasion by the hon. Member for Droitwich (Sir J. Pakington). And it is because the recommendation of the Member for Leominster to-night comes nearer to the recommendation of the Committee than the Government scheme, that I feel bound to support it. Was that Committee improperly constituted in favour of protection? It was, indeed, a packed Committee, as too many Committees are, against any change in the law of 1846; but such was the indomitable energy of my noble Friend the Member for Lynn (Lord George Bentinck), and such the overpowering force of truth, that even an adverse Committee was compelled to a decision contrary to the preconceived opinions of the majority of its Members. If, then, Committees are not to become utterly useless, and an object of mockery, some attention should be paid to their recommendations, especially to the report of one so constituted as this was, and one whose labours were so ably and zealously conducted. If the country was fully aware of the difficulty of obtaining a verdict favourable to the truth from a Committee adverse to the truth being told, they would more appreciate the triumph of the noble Lord the Member for Lynn. Having lately sat myself upon a packed Committee, namely, that on Commercial Distress, I at least know how very difficult it is to obtain a report in accordance with the evidence, when the majority of the Committee is from the first determined that no evidence shall affect their minds. Four months we sat upon that Committee on Commercial Distress; no impartial jury, sitting upon the evidence we took, would hesitate as to its condemnation of the Bank Act of 1844; any indifferent day of the sitting of the Committee, the majority would certainly have condemned the Act of 1844. But when the report had to be discussed and determined on, down came four or five Members who had virtually never attended, and helped to a decision contrary to evidence, but in accordance with the opinion of those who originally constituted or rather packed the Committee. The question has sometimes been asked, what is a pound? My hon. Friend the Member for North Warwickshire (Mr. Spooner) is about to answer that question. What is a patriot? was asked in the last century; Sir Robert Walpole gave to that question a very significant reply. What is a patron? Dr. Johnson asked in his celebrated letter to Lord Chesterfield; and he said something about encumbering with help when the time had passed by for assistance to be welcome. In the same spirit, might not any one now ask, what is a Committee? and might it not be a true though melancholy reply to make, "A Committee is composed of a set of refractory Members that will stir a question on which the public is very anxious, but which it is inconvenient to the Minister to have agitated, who are confined in a room of the House of Commons until the public excitement on the question on which they are sitting has in some degree subsided; and then when they have, like Dr. Johnson's client, been buffeting with the waves of evidence till they were nearly exhausted, just as they reach the shore of their report, down come some half-dozen influential Members in the shape of patrons, to encumber with help those Members of the Committee who have really attended and made themselves masters of the subject; in other words, to strangle the truth which has been brought out in evidence, and to pass a report in contradiction to it." One of my strongest grounds for supporting additional protection to the West Indian body at the present moment is this, that we are in the midst of the free-trade experiment. Can any one fairly pronounce that it has as yet succeeded? I have always wished, after the measure passed, to give it a fair trial. I hope it may succeed; as yet, however, for my own part, I can see no proof of its success. But can it for a moment be supported in argument that a great interest like that of the West Indies should be risked, while your free-trade experiment is in doubt? Unless, indeed, it be wished that this House should experience the unenviable feelings of the judge who, on insufficient evidence, has condemned an innocent victim to the gallows; and that we should, on some future day, have to discover with remorse that the West Indies have been exterminated by mistake. I know, indeed, with what confidence it has been always predicted by its advocates, with less confidence at present indeed, than usual, that free-trade must succeed. I know how on this subject assumption has passed for argument, and assertion for fact. But arrogance and confidence are no qualities of wisdom. Truth requires to be entreated by impartial inquiry and patient thought. Folly is proud that it knows so much; wisdom is humble that she knows so little. I am not, therefore, to be led away by confident predictions; experience I must still consider as the best test of truth; for as there is no royal road to knowledge, neither is there any Manchester way to commercial truths. It is plain, therefore, to my mind, that prudence dictates that we should wait the issue of the experiment of free trade, before proceeding further in that direction with respect to the West India interest; and I feel assured from the line taken by the Government on this question, that they would have at once yielded to the report of the Committee, instead of halting between two opinions, had it not been for their fear of its ill effects upon the revenue. They feel that the West Indian planter has been unfairly used by Parliament, and on that ground alone they would have respected the report of the Committee; and they certainly ought. I was myself a party to the Emancipation Act. No one dreamed at that time of the West Indies ever being exposed to the competition of slave labour; no one dreamed but that such laws and regulations would have been permitted by the mother country for the management of the emancipated negroes of the West India colonies, as would have given to our planters there a fair supply of free labour. But so perverse has been the rule of this country with respect to any reasonable control of the free negro, and so jealous of the planter, that he has been virtually deprived of a supply of free labour, and yet is condemned to compete with slave labour; and then the obstructions placed in the way of the immigration of free labour from other sources, has been a virtual denial of the only remedy the planter could propose for himself. Parliament, therefore, has not kept the spirit of its engagement with the West Indies. Whether the letter has been observed, I will not consent that a great country should ask. No one but a scrivener or a knave takes refuge in the letter, when the spirit of an agreement is notorious and patent against him. But the Government urges that the revenue will suffer. What is this but to say that we cannot afford to be just. We were once a rich and generous nation; are we reduced to be a poor and shabby one? The two principal objections the Government urge against the increased protection which the Committee recommends, and which is so essential to the continuance of sugar cultivation in the West Indies, are, that it will be hard upon the consumer, and that the revenue will suffer. I should be sorry to injure the consumer; still I cannot wish him to consume what is produced by crime. But who is this mysterious animal called the consumer, who is made the bugbear of all the discussions on matters of this kind? Napoleon used to call us a nation of shopkeepers; which meant, I presume, that we were a nation of producers. If we are to pass law after law, however, the effects of which are to deprive one class of producer after another of the means of making a profit from their trade, and of the means of employing labour, I want to know where their power to consume is to come from. In the free-trade debates protection was sometimes called a system of mutual robbery; but under the new order of things, we are to become rich by ruining one trade after another and to become fat and prosperous by a system of mutual exhaustion. Sir, I know of no consumer in the simple sense of the word, but the placeman, the pensioner, the annuitant, and the Jew. All other classes depend for their means of consumption on the profit of their production, that is to say, on remunerating prices and wages. But the lower wages and prices become, the better for the monied interest. If I have 100,000*l.* left to me, or if I have 80,000*l.* given to me, my selfish interest might lead me to promote, by all the means in my power a fall in prices and wages; and if I could succeed in procuring a fall of one-half, my 80,000*l.* would then be equivalent in value to 160,000*l.* It is plain, therefore, to see that the consumer, who is alone such in the strict sense of the word, has an interest directly opposite to that of the producer. But it is of the latter class that the great mass of the community is composed. The state of the revenue, however, we are told, will not admit of our being just to the West Indies. What a commentary is this on the botching and tampering that has taken place with our commercial and monetary legislation for the last thirty years, that we are poorer at the end than we were at the beginning, notwithstanding all the nominal increase in our export trade during that period! Let us not be deluded with the notion that it is a combination of circumstances alone that has created the present deficiency in the Exchequer. The same cause that produced 12,000,000*l.* of deficit in the six years from 1837 to 1842, has produced the present deficiency, viz., the perverseness of our monetary legislation. Of you who boast of the improvement in our commercial system, I would ask where are those national riches, where is that power of consumption, arising out of profitable production, that enabled the Minister, before you began to tamper with the laws, to exact 40,000,000*l.* more of taxation from the pockets of an uncomplaining people, than the Minister of the present day can do? What a commentary, I repeat, on the course you have pursued is it to confess, in 1842, that you have arrived at the limit of indirect taxation; and, in 1848, that you had reached the limit of direct taxation; that, instead of the plenty and prosperity which peace used to bring in her train, we have been doomed to the wretched alternative of philosophy and poverty. But the hon. Member for Manchester would not, if he could help it, permit the Government to do the little in the way of justice that they propose to do. No! cheapness at any cost, at any sacrifice—even of morality itself—is the single burden of his song. I cannot understand this position. That the hon. Member is humane, and an advocate of humanity, it would be presumptuous to doubt; but his arguments would seem to show that we are only to be humane when it is convenient. If it is not cheap to be humane, we have no choice but to be cruel. This doctrine reminds one of the advice of some criminal to his son, "Get money, my son; honestly, if you can—but get money." I confess, Sir, I do not see what pretext we can have for putting down crime, if this doctrine is to bear sway. Every highwayman, in his candid mood, would probably acknowledge that he committed crime only because it was inconvenient to him to be honest. And surely, "rogues for their robbery have authority, when judges steal themselves." The hon. Member for Manchester sticks to the Act of 1846, whatever the consequence to the planter or the slave; in the spirit of Shylock, he exacts the pound of flesh; he will have nothing but the bond. I think I see him now in court enacting the character of the Jew, and proclaiming—

> "My deeds upon my head! I crave the law,
> The penalty and forfeit of my bond."

Are there scales here to weigh the flesh? The hon. Member has them ready. Then I hear the noble Lord the Member for Lynn, in the language of Portia, entreat him, fearing that the strict fulfilment of the Act of 1846 may inflict a deadly blow on the West Indies:—

> "Have by some surgeon, Shylock, at your charge,
> To stop the wound, lest he do bleed to death."

The hon. Member for Manchester—

> "Is it so nominated in the bond?"

Lord George Bentinck—

> "It is not so expressed, but what of that,
> 'T were well you do so much for charity."

The hon. Member for Manchester—

> "I cannot find it—it is not in the bond."

No! nor is it ever in the mind of Mammon and of greed to find humanity or justice in the bond. According to Dr. Spurzheim, "there are some people who have always the charity to begin at home;" and so it appears to be with the Manchester school. But the right hon. Baronet the Member for Ripon (Sir James Graham), the other night, was a great advocate for cheapness, and against reaction; and appeared to complain of the Duke of Richmond and the Protection Society for being against the first, and in favour of the second. Sir, as far as I know the sentiments of the Duke of Richmond—and on this subject I ought to know them—there is no man in the country more in favour of cheapness, according to the right meaning of that word, than the noble Duke. He is for the cheapness which brings plenty to the poor man's table; he is not for the cheapness we see at present, which robs the master of his profit, and the workman of his wages. He knows, according to the doggrel lines, that—

> "Cheapness is only relative
> To wages, two to one.
> One loaf *with* wages cheaper is,
> Than two can be with *none*."

The noble Duke is well aware that there are some things which are sweet in the mouth, and bitter in the stomach; and he is shrewd enough to have observed that many who have cheapness on their lips have selfishness in their hearts. The Duke of Richmond is a sincere friend to the labourer, and when he wills the end, he wills the means; he is not the man to delude him by the offer of a cheaper loaf, and then to withhold from him the wages whereby alone he can purchase it. Then, with regard to reaction, the protectionists are not for reaction, unless the ill success of your new system demands it. But surely the right hon. Gentleman will scarcely maintain that if ruin and distress accompany a perseverance in this system, no alteration is to be made. It was well said by Mr. Burke, that "wherever there is abuse there ought to be clamour, for it is better to be waked by the fire-bell, than to be burnt by the flames in our beds." And so with respect to reaction; wherever there is failure there ought to be reaction; for it is better to repent of our misdeeds in time, than doggedly to dare the doom that must otherwise inevitably await them. The protectionists wish to give a fair trial to the new system; they know too well the ill effects upon trade of constant fluctuations in the law to wish for frequent change; but wherever they see symptoms of failure, or a doubt of success, they think it but just to the interest involved to hover in any further application of the experiment to that interest. It is the free-trade school which fears to give a fair trial to their own system. The Government has commenced the course of reaction in the proposition they now make to modify the law of 1846. And I can construe the Motion of the Member for Montrose for further Parliamentary reform, into nothing else than unwillingness now to see free trade fairly tested. That movement for reform is in truth a financial movement. In such a state of poverty are both the people and the Exchequer, that increased economy is essential; but this increased economy had not become necessary before you made the last great change in our commercial laws. It is only fair, therefore, to wait for the issue of this great experiment before proceeding to administer any other nostrum.

It is only the most arrant quack that continues administering pill after pill, of different descriptions, without waiting to see the effects upon the patient of the various kinds successively exhibited. The regular practitioner, if he sees his patient reeling and staggering under the operation of his prescription, has the prudence to abstain from giving any more of the noxious drug, or at all events has the modesty to give it in minuter doses. This is all I ask for the West Indies. Appearances within the last few days have been indeed somewhat more promising for trade in this country, but little reliance can be placed upon them, if we are to be guided by previous experience. After the momentary pressure of 1825 there were ten years of agricultural and manufacturing depression. After the pressure of 1839, four years elapsed without revival. There are indeed additional elements to be taken into consideration at present, such as the prostration of industry on the Continent, which has brought us money, and may bring comparatively increased real custom. But he would be a bold man who should predict prosperity this time twelve months. The new practice which the Act of 1844 has engendered in the Bank of England of lowering their rate of discount in proportion to the market rate, will however now, as it did immediately after the Act of 1844 passed, contribute more than any other cause to a rapid revival of trade. But the same ultimate consequences will follow again from the appearance of cheaper money under our present monetary system, as have four or five times since the Peace ensued from the same cause. I may illustrate this from what happened, as it is lately, after 1839. Merchants and manufacturers were so disheartened by the sudden rise in the value of money at that time, and the difficulty of getting accommodation, that they abstained from employing money in trade; money accumulated; it became cheap, and at last became so cheap as to tempt them to employ it again in trade, or to engage in railways. The result is well known; and if a deficient harvest had not sent our gold abroad, the system necessarily would, as it will now, if there be a revival of trade from the existence of cheaper money and a lower rate of discount. Cheap money will encourage speculation and mercantile adventure, employ labour and increase consumption, but it will at last turn the balance of trade against us; gold will flow out; the Bank, to protect itself, must again refuse accommodation; ruin must again befall the employers of labour, workmen be again thrown out of work; for distress is the sole means of restoring gold to the Bank. Such is the vicious circle in which we move. Whether, therefore, I look to the monetary system, under which the nation alternately smiles and groans, or to the free-trade experiment we are at present trying, it is impossible for me to look forward to our prospects except with doubt and dismay, either as respects the West Indies or the mother country. If I am to be guided by the principle of duty to my neighbour, which we are told should be the universal rule of conduct, in my treatment of the West India colonies; then whether as regards the planter or the slave, I am bound, if possible, after all we have done, to provide that the free-labour sugar of the West Indies should not be superseded by the slave-labour sugar of Cuba and Brazil: this as respects the planter: and as regards the slave, I ought surely not to hold out that inordinate inducement to an increase of slavery and the slave trade which so direct an encouragement to slave-labour produce must necessarily create. The hon. Member for the West Riding (Mr. Cobden), indeed, has said, if I am to believe the reports that we see through the usual channels—for I was absent from London at the time—that his constituents prefer cheap sugar to humanity as respects the slave. The question may have been put to them, perhaps, in the way that the repeal of the corn laws was urged upon them, by asking whether they liked a large or small loaf; so in regard to this question, they may have been asked, "Do you like cheap or dear sugar?" But I will never believe, till I know from better authority than that of the hon. Member, that Yorkshiremen have so changed their opinions as to be careless whether or no the cheapness of their sugar is dependent on the unhallowed system of slavery. I know the people of Yorkshire as well as the hon. Member, and I can never believe that the countrymen of Wilberforce, and the electors of Henry Brougham—elected by the enthusiasm of Yorkshire, in the cause of the emancipation of the slave—are such renegades to the conduct and principles which have conferred upon them immortal honour. No, Sir, Yorkshiremen believe that there is one one thing at least more valuable than free trade, and that is freedom itself: and they know that there are some things more valuable even than cheapness, and among these are humanity, justice, principle, and good faith. On these grounds, as I do not wish to see this great country, as respects the West India planters, exact the pound of flesh, in the spirit of Shylock the Jew—as I love freedom, and detest slavery, in whatever form it exists—as I am a Christian—too little in practice, I humbly admit—but as, by profession at least, I am a Christian—as I venerate the divine precept "of do unto others as you would that others should do unto you," I am bound to support the Amendment of the hon. Member for Leominster.

MR. CARDWELL said, that the right hon. President of the Board of Trade, before he sat down, had emerged from the cloud of dissatisfaction which at the commencement of his speech manifestly hung over his mind, for before the conclusion of his observations it was evident that the usual agreeable tone of his feelings had returned. He believed that the cloud which overspread the mind of the right hon. Gentleman was caused by the analysis of the financial state of the country which had been given by his right hon. Friend the Member for Oxford, and that the removal of that cloud had been caused by the fact of the right hon. Gentleman having been able to answer two points in the speech of his right hon. Friend; one, a small point, as regarded the general subject, namely, the delivery of sugar within the last few days at a lower point of duty than it was intended such sugar should be subject to upon entry; and the other involving a larger question, namely, the question of the revenue generally, and its bearing upon the measure before them, relating to the duties on sugar. The right hon. Gentleman had said, that this arrival of sugar at a duty different from that which was intended, was a casualty; but he must recollect, that on the 30th of May the Government plainly and emphatically told the House that there was then no present intention to make any alteration in the Act of 1846, either as to the amount or duration of the duties imposed by that Act. The Under Secretary for the Colonies would admit that his recollection of the circumstances was correct, more correct than the recollection of the hon. Member: and he would remind the House that on the day following the mail went to the West India colonies, and he had no doubt that the colonists would interpret the statement of the Government as he had done, whilst he knew that those who had sent out orders by that mail had given to those words a similar interpretation. It had been said that the proposition of the hon. Member for Droitwich had caused the delay; but he would ask if it was possible the House of Commons could believe that between the 15th of June and the 16th of July such a question as this, with all its details and the various subjects involved, embracing the whole question of free trade, could be disposed of, and settled? Could the Bill of 1846 and the alterations and amendments which might be suggested in Committee, be expected to be disposed of within that period? The Minister, who brought forward this measure on the 16th of June, could scarcely have expected to have it disposed of on the 16th of July; but he perfectly agreed with the President of the Board of Trade that it would be more "seemly," that was the word the right hon. Gentleman used, that the advantage which had been gained by the recent importation of sugar should not be accidental and casual, but that if it were to occur at all it should have been with the sanction of the Parliament and the Government. He thought, therefore, that the right hon. President of the Board of Trade had no occasion for triumph in the answer to that part of the speech of his right hon. Friend the Member for Oxford. The other night the Chancellor of the Exchequer, while the subject of the sugar duties was before the House, struck off at a tangent, and plunged into the question of the revenue—a question which was very interesting, and which was no doubt intimately connected with the sugar duties. His right hon. Friend the Member for Oxford subjected that statement to a close and searching analysis; and he was surprised to hear his right hon. Friend's speech described as devoid of fairness, for he could see nothing in the least approaching to a want of fairness, whilst, so far from any such charge being applicable to it, he had spoken only of certain results, and based all his deductions upon established facts. The right hon. Gentleman appeared to be astonished at his hon. Friend having spoken of this as an ordinary year, contrasting it with the year of the famine and the loan of 8,000,000*l.*; yet the President of the Board of Trade said that this was a year of increasing prosperity and energy, and added that he had documents in his hand which would show that great buoyancy had been exhibited in all the transactions of the country, which under all the circumstances had kept up wonderfully. Now, if that were the case, how, he would ask, could the right hon. Gentleman object to its being taken as an ordinary year, and not included in the same class with the year of the famine. The right hon. Gentleman could not complain of its being treated as an ordinary year, for he said that if it were not for the extraordinary circumstances which had taken place on the continent of Europe, we were on the spring-tide of prosperity. That might explain the view which the right hon. Gentleman took of the state of the finances; but he would ask at what period of the year was the estimate made of the anticipated deficiency of 2,000,000*l.*? It was made on the 18th of February, and the occurrences on the continent of Europe did not commence until the 25th of February. What magician's wand did the Chancellor of the Exchequer wield which could enable him to foretell a deficiency of 2,000,000*l.* at a time when he must have had reason to anticipate, according to the right hon. Gentleman, a spring-tide of prosperity for the country, and who could now rejoice in a deficiency, reduced to 1,500,000*l.*, notwithstanding all those occurrences that had taken place on the continent of Europe? But the right hon. President of the Board of Trade was much astonished to hear this argument from his right hon. Friend, because he was formerly in a Government which introduced a descending scale in the timber duties. Now, parallels were always dangerous things; and it would not be difficult to show that in almost every feature there was a most remarkable and decided contrast between the two cases which the right hon. Gentleman had chosen to introduce as parallel to each other. There was no doubt a change in the timber duties as a sacrifice to the revenue, but this was not done before the Exchequer had been replenished. There was a sacrifice of the revenue, but not with the view of making up the difference in some future year. There was, therefore, no parallel. His right hon. Friend was arguing that the Government had no right to come down to that House, having no resources, standing on an empty chest, and to take credit to themselves for reductions in favour of what they called the consumers, knowing as they did that if that deficiency was not supplied, the consumer was the person who must make it up in the shape of taxation. For holding these views his right hon. Friend was charged with being singularly devoid of fairness. He never heard anything fall from the lips of the right hon. Gentleman (Mr. Labouchere) that deserved the imputation of unfairness; but he was almost entitled to say, when he charged his right hon. Friend with unfairness with regard to those two points, that he might fairly turn the tables upon him. What, however, was the real question before the House? In February the estimate was made for the coming year, and at that time they were determined to maintain the law of 1846. The law of 1846 was more favourable to the revenue than the change they now proposed to make; and, therefore, in February they must have calculated on a far larger sum from the sugar duties than they could do now. They made a certain estimate with regard to the sugar duties; and they had never given any reason why they had varied that estimate. They altered the law so as to make it, on their own showing, less favourable to the revenue; and then they took comfort to themselves by anticipations for which there was no base beyond the hopeful disposition of the Chancellor of the Exchequer. They could form an opinion of the effect of the proposition of the Government as to differential duties, by looking to the consumption of sugar for the first five months of the present year, as compared to those of the last year. It was true the reduction in the amount entered for consumption during the first five months in the present year, was very small as compared with the first five months of the last year; but still there was a diminution in the amount of foreign sugar for the first five months of this year of between eleven and twelve thousand tons as compared with the first five months of last year, though that came in at a higher duty; and they could not in their calculations omit the difference between 13*l.* and 20*l.* per ton in differential duty. The Chancellor of the Exchequer had told the House that because the stocks on hand were so large he expected an increased consumption; but the right hon. Gentleman should recollect that there was a diminution of foreign sugar during this year of between 11,000 and 12,000 tons in five months of this year, notwithstanding the higher duty of the former period. The right hon. Chancellor of the Exchequer, in his calculations of the increase to be expected in the consumption of sugar, stated that every sailor at sea consumes

35 lbs. of sugar per head, and calculates that a time will come when every man, woman, and child, in England, Ireland and Scotland, would consume an equal quantity. Thus because a sailor, who at sea is supplied with regular rations, consumes 35 lbs. of sugar, the Chancellor of the Exchequer supposed that a time would come when every man, woman, and child in Great Britain and Ireland was to consume 35 lbs. of sugar. And this was to take place without any change in the circumstances of the population. He wished the Chancellor of the Exchequer had now been present, because he would have taken occasion to refer to his argument about the consumption of tea. Though tea had been so conveniently introduced into this discussion for the purpose of argument, yet, when he endeavoured to point out to the Chancellor of the Exchequer that a great increase would take place in the consumption both of tea and sugar by a reduction of the duties on tea, he found the right hon. Gentleman resolutely determined to adhere to those duties, because the revenue, as he believed, would suffer by their reduction. He must say, however, that he should like to hear something more than the mere hopeful disposition of the Chancellor of the Exchequer, from which expectations of making up a deficient revenue could be drawn. He had shown that in their first estimate they expected a law to be in operation more favourable than that which they now proposed. He had shown that the stocks were not larger than last year, and that therefore no diminution in price could be expected; and after he had pointed out all this, he was still asked to come to the conclusion that from some source or another there was to be an increase of consumption, and a consequent increase of revenue. The right hon. Gentleman complained that his right hon. Friend (Mr. Gladstone) was not clear in his announcement of his remedies. Now, he wished to remind him that in the Committee a resolution was prepared by the hon. Member for Westbury, and proposed by the right hon. Gentleman, which proposed that the remedy should be applied directly to the planters themselves, and should be in some other shape than protection. Now, the plan of the Government offered to the planter no remedy whatever except protection. His right hon. Friend (Mr. Gladstone), however, had pointed out other modes in which remedies might be applied; and, if he did not go into the details of those remedies, he exercised a wise discretion. This subject involved the whole state of the negro population, the whole question of immigration from the coast of Africa, and the whole question of loans and grants, as well as the subject of the slave trade; and it was therefore impossible for his right hon. Friend to bring forward a scheme that would be complete without dealing with all these points. Some of them might be dealt with by private Members; but others of them could only be left to the zeal and discretion of Government. If his right hon. Friend, therefore, who was not in office, had done more than shadow forth the general outlines of his remedy, he would have been guilty of culpable rashness. He would not go into details to show why he preferred the Amendment of the hon. Member for Leominster to the scheme of the Government. In the first place, his plan for the first year did not differ from the proposition of the Government. But there were two important points of difference: the proposition of the hon. Member for Leominster did not affect the revenue when it could not afford to be affected, and was not open to the objection which applied to the continual recurrence of the descending scale. Protection would not be so given that the West Indian would be always coming to a falling market, while his competitor was coming to a rising market; it would be given in a shape infinitely more beneficial. On the subject of protection to the colonies, he wished to call attention to a single extract from the evidence before the Slave Trade Committee, whose second report had been issued yesterday. He had asked Mr. Moore, the chairman of the Brazilian Association, this question:—

> "You spoke of the effect of the Sugar Act of 1846 on the produce of Brazil; can you tell the Committee whether the Brazilian merchants expected so full a measure in respect to free trade as the Act of 1846?" The answer was, "Certainly not." "Do you know whether the general opinion of the Brazilian merchants was that the measure extended beyond the justice and reason of the case?—At the time I was chairman of the Brazilian Association—and what we always sought was an equitable adjustment of duties; but we never sought to be put on a footing with the colonists—we always looked for some differential duty."

And the witness proceeded to say he had always stated that if the cost of production were 17*s.* in Brazil, and 25*s.* in Jamaica, 8*s.* ought to be the differential duty; because, unless it were so, no means would be afforded to the West Indies of coping with Brazil; and when the further question was put, whether injustice was not done, in his opinion, unless the West Indies were enabled to compete with the foreign producers on equal terms, he answered in the affirmative. That was the opinion of the chairman of the Brazilian Association. And when that body represented the hardship of being unexpectedly exposed, when they had ordered their sugar at one rate of duty, to find another rate demanded, they took the same opportunity of stating to the Board of Trade, in writing, sentiments corresponding with those which he had now read. The plan of his hon. Friend was the best which was open for adoption; it gave the best chance which protection taken by itself was capable of affording. It was the best measure in concurrence with others which could be applied to the relief of the West Indies. It was not open to the objections on the score of revenue to which the plan of the right hon. Gentleman the Chancellor of the Exchequer was exposed. With the utmost desire to do what they could for the West Indian colonies, they were bound to combine a more watchful regard to the public revenue, and believing that the plan of the hon. Member for Leominster complied with both conditions, he should give it his most cordial support.

Mr. JAMES WILSON said, the question to decide was, whether the House would adopt the proposal of the hon. Member for Leominster, or the Government proposal? He was desirous of holding the scales impartially, and he hoped any objection he might raise to the hon. Member's proposal would not be set down to a disposition to criticise it unfairly. He had listened with a good deal of surprise to the hon. Member's proposition with respect to the duties on British plantation and foreign sugars. The hon. Member had only noticed brown clayed sugars; but the hon. Member and his Friends were studiously silent on one point, which point he should presently allude to. The hon. Gentleman, from the way in which he placed his propositions before the House, evidently wished them to believe that his duties were in reality merely a continuation of the same scale of duties, with the exception of lowering the existing duty for white clayed sugars. This, however, was far from being the fact, although the hon. Member attempted to show that it was so. The hon. Gentleman said the average between 18*s.* 6*d.* for muscovado and 21*s.* 7*d.* for brown clayed sugar, amounted to 20*s.*; but then the hon. Member had forgotten to tell them that the description of sugar to which the duty of 21*s.* 7*d.* was to be applied, respected the brown clayed sugar only, that sort of sugar being 95 per cent of all the foreign sugar brought into the market. So that while affecting to give a fair average, the hon. Gentleman's proposition pressed in fact with enormous inequality on the brown and the white clayed sugars. He could easily understand the object of the hon. Member and his Friends, in leaving out all mention of white clayed sugars. He hoped the hon. Member would not take his remark in an invidious light, but he could not help thinking it was natural that the hon. Member should feel a greater anxiety for that interest with which he was more particularly connected, than for the general interests of the whole body of planters. If the hon. Member felt as the Government did, that the interests of the whole of the colonies must be consulted in this question, he would see that it was not just towards a colony not producing a high quality of sugar, to bring that colony into unfair competition with the East India sugars. Now Demerara, with which the hon. Member was connected, produced this high quality of sugar; and by the operation of his proposition it would be exempted from that competition to which a low quality sugar colony would be exposed. He was quite aware that the hon. Member intended that white clayed sugar should come in as common muscovado at 18*s.* 6*d.*, and that East India sugar should come in at the same rate. But was this fair towards those colonies which did not make these fine sugars? Would it be dealing fairly with these colonies to give the hon. Gentleman's proposition the preference over that of the Government, when the hon. Gentleman said he intended his scale to be of six years' continuance? Practically the hon. Member raised the duty from 18*s.* 6*d.* to 21*s.* 7*d.* In all respects it would be found that the practical effect of the hon. Member's proposition was to increase the protection given to a particular kind of sugar, very much to the disadvantage of the remaining portion of the colonies. The practical effect of the proposition of a duty of 21*s.* 7*d.* on brown clayed sugar, would be to raise the price of all sugar, 1*s.* 7*d.* per cwt. It was not disputed that it was the highest duty on foreign sugar, which determined the price of sugar. The proposition of Her Majesty's Government was for 20*s*. duty on foreign sugar—the hon. Member's proposition was for 21*s*. 7*d*. duty. The first effect, therefore, would be to raise the price of all sugars to the extent of the difference. He had been exceedingly amused at noticing that the right hon. Member for Oxford University and the hon. Member for Liverpool had pertinaciously throughout the discussion insisted on this being a question of revenue, without taking into consideration the interest of the consumer. There was no person in or out of that House, more alive to the necessity of keeping the income of the country equal to the expenditure; but when proposing a measure of this kind it would be idle to expect to relieve an interest in the way the House wished to relieve the colonial interest, without making a sacrifice one way or other. It was necessary to assist the West Indian colonies; that could only be done by an increased price or a diminished duty. It was an unfair way, therefore, of dealing with the question to dwell on the sacrifice Government were obliged to make in their case, and to keep back what would be the effect if the proposition on the other side were adopted. He would undertake to show if the House adopted the propositions of Government that an important saving to the country would be effected—that the interests of the revenue and the consumer would be one and the same thing. The proposition of the hon. Gentleman would have a reverse effect. By the showing of the hon. Gentleman a loss of revenue was to arise, if Her Majesty's Government's proposition were adopted, of—for the first year, 240,000*l*.; for the second year, 480,000*l*.; and the next four years, 960,000*l*. He would admit, if you simply took the number of hundredweights of sugar on which the duty would operate into account, that you would arrive at the conclusions of the hon. Member; but then it would be impossible to deny that an advantage would be gained by a reduction of the duty on foreign sugar, which must be taken into account. It was but fair and right to put the increased consumption against the loss of revenue; and if this increase did not make up for that loss, it would, in his opinion, go a long way towards doing so. But what would be the effect of the proposition of the hon. Member for Leominster? In the first year the increased price of sugar, 1*s*. 7*d*., would cause a difference to the consumer of 290,000*l*. against the 240,000*l*. which the country would lose. In three years the revenue loss would be 720,000*l*., while the effect of the hon. Member's proposition would be to increase the price of sugar in the same period by 1,350,000*l*. And so the matter would go on in the same proportion to the end of the sixth year. At the end of that period the increased cost of sugar would be 2,400,000*l*. as compared with the proposition of Her Majesty's Government. Whether the proposition of the hon. Member was looked at in a revenue point of view, or as affecting the sugar consumer, it would be seen that the measure of Her Majesty's Government had an enormous advantage over it. He thought the right hon. the Member for Oxford University would not deny that while a scale of duty was dropping, consumption rapidly increased. This could not occur in the case of the hon. Member for Leominster. It was unlikely that an increased consumption would follow increased price. He would ask hon. Members to consider what would be the position of the West Indies in six years hence, if the measures proposed by the other side of the House were carried out?—what would be the position of the colonies in 1854 without protection, and exposed to increased competition? The right hon. Gentleman the Member for Oxford University found a difficulty with regard to the nature of the Amendment, and he advised an increased protection to the West Indies under particular circumstances. The right hon. Gentleman talked of the great sacrifice of revenue, and he found fault with Her Majesty's Government for proposing this sacrifice. But the right hon. Gentleman proposed no plan himself by which the revenue was to be increased; and it seemed odd to hear the right hon. Gentleman talk of increasing the amounts proposed by Her Majesty's Government by way of relief, in the shape of advances to the colonists. Though Her Majesty's Government proposed to advance 500,000*l*. for emigration purposes, yet the noble Lord distinctly said he had no objection, if it were thought to be the most desirable plan, to advance a portion of the money for public improvements, or in other ways, so as to avoid the inconvenience of making private loans. The right hon. Member for Oxford University made much objection to the dropping scale proposed by Her Majesty's Government. But the right hon. Gentleman the President of the Board of Trade had stated that mischief was likely to occur in a dropping scale, if that scale dropped gradually, and if it were known when these changes were to take place. The great tendency to an increase in the consumption of sugar had frequently been alluded to in the course of that debate; and as that tendency formed an important part of the foundation of the measure of Her Majesty's Government, both as regarded the relief to be given to the West Indies and the price to the consumer, he could not dwell too much upon it. It would be in the remembrance of hon. Members in that House, that, for many years antecedent to the alteration of the duties in 1845 by the right hon. Gentleman opposite, the consumption of sugar had remained stationary. In the year 1830, it was 202,000 tons; in the year 1843, it was 203,000 tons; and in no year between those two periods did it exceed 206,000 tons: so that a very slight fluctuation took place during the space of thirteen or fourteen years, while the duties were so high as to be almost prohibitory to the increase of consumption. What was the effect of the altered duties in 1845 upon the consumption? Sugar rose to 244,000 tons; and in 1846, such was the effect of the further reduction of duty, that the consumption increased to 261,000 tons. In the further reduction which took place last year, the consumption rose to 290,000 tons; and he would ask the hon. Gentleman opposite if they now adopted the proposition of the hon. Member for Leominster, and kept the duty stationary for the next seven years, what right had he to calculate that they should have a material increase in the consumption of sugar for the next six years? The right hon. Gentleman the Member for the University of Oxford attempted to lead them away when talking of the increase of consumption, by alluding to the reduction of the colonial duties, year by year, to the extent of a single shilling; but by such imperceptible steps, no materially increased consumption could be expected. In another part of the right hon. Gentleman's speech, he at once admitted that it was not a small or gradual reduction, but a sudden and large one, which caused an increase of consumption. Both the right hon. Member for the University of Oxford, and the hon. Member for Liverpool, appeared much more disposed to turn this question into a debate upon the revenue question, than into a debate upon the sugar duties. If the proposal of Her Majesty's Government were adopted, he was prepared to contend that the increased consumption during the next six years would be such as to leave the revenue harmless during that period. The hon. Gentleman must not ask the House to compare the plan of the Government with the law of 1846; but the House must take it in comparison with the proposed Amendment, and consider their relative effects. If they considered it as a question of revenue, they were entitled, in supporting the measure of Her Majesty's Government, to take the whole increased consumption arising from the descending scale of foreign duties, and the increased revenue derived from that increased consumption. The hon. Member for Liverpool said that the returns of the Board of Trade for the last five months showed a decrease in the amount consumed. He was quite willing to admit that; but if the right hon. Gentleman had reflected for a single moment, he would have discovered—intimate as he must be with the proceedings of the Board of Trade and general commercial transactions—that there was a very easy answer to be given. It was quite true that up to the 5th of May, the consumption of sugar did show an increase of 200 tons as compared with the last year, and that the consumption up to the 5th of June showed a diminution, as compared with the last year, of 900 tons; but did not the hon. Gentleman bear in mind that the West Indian Committee had been sitting for four months previously, and had made a report recommending an increased protection of 10*s*., and that those who were connected with the sugar trade looked forward to the 5th of July, when there was to be a diminution of foreign duty to the extent of 1*s*. 6*d*.? In the face of all that, did the hon. Gentleman believe that the refiner would add to his stock more than, or as much as, the usual quantity? [An Hon. MEMBER: In what sort is the falling off?] In all sorts. When they were aware that half of the whole quantity of raw sugar taken out of bond was taken to the refiners', and they knew that the refiners had an eye fixed on the 5th of July and the expected reduction of duty, they must expect that they would reduce their stocks. What took place in 1846? A similar falling-off in the returns took place, and from a similar cause; but there was no reason to believe that the consumption was reduced; and he hoped that the deficiencies of May and June would be made up by the present month. The hon. Member for Leominster, at an early period of the evening, attempted to show that they would have a diminished quantity of sugar imported this year, and that the Government had no right to look for an increased consumption. Last year there was received from the West Indies 259,000 tons of sugar; and from the best information he had received, at the smallest computation there would be 230,000 tons this year. From the Mauritius the smallest quantity that would be received was 50,000 tons, while they received 90,000 last year; and from the East Indies they had received 65,000 tons. These, with some other items, would give 345,000 tons, against 390,000, and that amount would be ample for the purposes of the Government. They were informed that the Government made a false calculation as to the stock in hand of colonial sugars; but during the last two years that stock had been nearly the same. In 1847, the amount was 57,000 tons, and in June last it was 57,300 tons; but any hon. Gentleman who was acquainted with the facts must know that the shipment from the colonies was later this year than the last. Last year the shipment was early, and this year it was particularly late; but taking the actual produce in existence, the stock was this year 80,000 tons, against 58,000 tons during a corresponding period of last year. The hon. Member for the University of Oxford, and the hon. Member for Liverpool, had attempted to create a feeling against the proposition of Her Majesty's Government, on the general ground of revenue; and he thought that the right hon. Member for Liverpool had not, with his usual care and clearness, referred to the published returns, or else there could be no reason for the tone of rebuke which he held towards his right hon. Friend the Chancellor of the Exchequer on the statement which he made the other evening with regard to the revenue. He was quite ready to admit that the returns showed a deficit of 2,400,000*l.*; but they could refer to the consolatory fact, that upon the whole deficit of 2,400,000*l.*, there was no less than 2,200,000*l.* to be referred not to the past six months, but to the last six months of the past year, as compared with a similar period of the preceding year, during which the country was in a high state of prosperity, whilst the latter period was unparalleled as a time of general and commercial distress. He would call the attention of the right hon. Gentleman to the fact that during the last six months, up to the 7th of July, the revenue was only 209,000*l.* less than the revenue from ordinary sources during a similar six months of the last year, though the general commercial prosperity of the two periods differed extremely; and during the last quarter the expenditure had only exceeded the revenue by 35,000*l.* He hoped that he had succeeded in showing that the proposition of the hon. Member to benefit the colonial sugar growers by raising the duty 1*s.* 7*d.*, to the direct disadvantage of the other colonies, and also of the English refiner, was one which could not be entertained in comparison to the Government proposition. It was a direct benefit to particular colonies, and it excluded all other colonial sugar from the benefit which the white clayed sugar duties had given to the vacuum pans of Demerara. For these reasons he hoped that the House would reject the Amendment of the hon. Member.

MR. BARKLY: As the hon. Gentleman has twice alluded to the personal considerations which he supposes actuate me in bringing forward my Amendment, I think it necessary at once to say, that in the colony of Berbice, with which I am connected, there is not a single vacuum pan. In the island of Demerara there are only 200 tons of sugar coming under the denomination of white clayed, so that that colony would only be interested to the extent of 400*l.*, or rather less. He had omitted white clayed sugar from the British colonial scale, because he had done so from the foreign scale also; but he would be quite prepared to move its retention, if it should be thought advisable.

MR. WILSON had no intention to charge the hon. Gentleman with a desire to benefit himself personally.

SIR G. CLERK said, that after the lengthened discussion which had taken place on this subject, he had no desire to occupy the House at any length on the present occasion; but he was anxious to state shortly the reasons which induced him to support the Amendment of the hon. Member for Leominster. The part of that hon. Member's plan which had been most insisted upon, both by the Chancellor of the Exchequer and the hon. Member for Westbury, as giving an undue advantage to the West India colonies, was the omission from his scale of white clayed sugar, or sugar equal to white clayed. But if hon. Members looked to the return of the quantity of sugar imported last year, they would find that not above 30,000 cwt.

paid the high duty of white clayed sugar, and that of that quantity more than one-third, or 12,000 cwt., was foreign sugar, 16,000 cwt. East Indian sugar, and only 4,000 West India sugar. So that, so far from the West Indies being likely to benefit from the omission of the distinctive duty of white clayed sugar, it would not be the West Indies, but the East Indies, and the producers of foreign sugar, who would benefit. Whatever objection might be taken to the scale of the hon. Member for Leominster, as being an increase of differential duty, would apply with almost equal force to the plan of the Government, for that plan, as every one knew, was totally at variance with the Act of 1846, to which so late as the 30th of May the Government had declared their unalterable adherence. The fact was that the Act of 1846 had been abandoned by almost universal consent, so that the one plan was as open to the objection of increasing the differential duty as the other. The hon. Gentleman the Member for Westbury had stated that which the Chancellor of the Exchequer stated to the House, namely, that the price of sugar must be regulated by the price at which foreign sugar was sold in bond, with the duty added. It was clear that there was not a tendency to increase the consumption of foreign sugar, and that the proposition of the Government would occasion a loss to the revenue of 240,000*l.* It would be found that in the five months ending the 5th of June last there was a falling-off in consumption of 1,000 tons, as compared with the first five months of 1847; but this the hon. Member for Westbury said that he could easily explain. He said that there was a Committee of the House of Commons sitting, and that an idea had got abroad that they would recommend an increase of differential duty, and that under those circumstances colonial sugar would derive an advantage, and that foreign sugar would be at a disadvantage. He was afraid that the real fact was to be found in the disinclination to increase the consumption of sugar. The average price of sugar for the first five months of 1847 was 34*s.* per cwt., and the average price for the first five months of 1848 was 24*s.* That was a fall of 10*s.* per cwt., and yet there appeared to be no increase of consumption. The principal difference between the plan of the hon. Gentleman the Member for Leominster and that of the Government was the continuance of the differential duty for six years, and that at the expiration of that time colonial and foreign sugar should come in at the same duty. The hon. Member for Westbury said that if there was to be a regular fall of duty, the merchants would arrange so as to get sugar home just at the time when the change would take place, and that people of large capital or credit would give their orders so as to have them completed about that time. This might be; but how would it fare with the West Indian planter or merchant, who had neither capital nor credit, and was obliged to force his goods into the market. The hon. Gentleman also said that the Government plan had the recommendation that it gave timely notice to all parties. But the great advantage of the plan of his hon. Friend was, that it saved the revenue; or rather the great objection to that of the Government, was the loss which it would occasion to the revenue, at a time when the deficiency, as stated by the noble Lord, was 3,000,000*l.*, and as afterwards stated by the Chancellor of the Exchequer, 2,000,000*l.*; but, in truth, even upon the showing of the Chancellor of the Exchequer himself, the whole revenue upon which he calculated for the current year was about 51,000,000*l.*, to meet an expenditure of about 54,000,000*l.* Now, it was admitted by the hon. Member for Westbury, and by the Chancellor of the Exchequer, that 240,000*l.* would be lost to the revenue by the proposition of the Government; and on that ground chiefly he was unwilling to accede to that proposal. It would be no advantage to the consumer, because the consumer of sugar paid other taxes; and the people would have to supply that deficiency of revenue by bearing increased taxation in some other shape. It was, he thought, very desirable that no change should take place in the amount of revenue from sugar this year; and even if the revenue should afterwards be replaced, it was a serious matter to throw away 240,000*l.* in the present state of the Exchequer, even for a single year. He admitted that, whenever the revenue could afford it, there was no tax which would be more properly or advantageously reduced than that on sugar; but their primary duty was to keep up the public revenue. He need not apologise for adverting to this subject, because the Chancellor of the Exchequer, last Friday night, took an opportunity of stating to the House the improved prospects of the revenue, in order to induce the House to reduce this tax more readily; but what were the improved prospects?

He rejoiced to find that there was an increase of 350,000*l.* on malt; but, even including that in the income, there would be a large deficiency. The plan of the Government had no tendency to increase the consumption of sugar; and, upon that ground, and considering the deficiency in the income, he was unwilling to sacrifice unnecessarily 240,000*l.* of revenue. To the consumer of sugar, if he paid no other taxation, this might be beneficial; but, as the people of this country must make up the deficiency, in some shape or other, by increased taxation, it was of no advantage to them to reduce the price of sugar by a sacrifice of 240,000*l.* in one branch of the revenue. But even with respect to the increase of the duty on malt, the right hon. Gentleman the Chancellor of the Exchequer had told them, that from the peculiar quality of the malt last year, there was so much saccharine matter contained in it that the use of sugar in the breweries and distilleries would be diminished in a corresponding proportion. Now, last year 12,000 tons of sugar were used in breweries and distilleries; but probably there would in the present year be a great falling-off in the consumption of sugar for those purposes. Then the right hon. Gentleman stated that he should have 150,000*l.* additional revenue in consequence of abandoning the militia project, and that was certainly an actual saving to that amount. But, when the right hon. Gentleman spoke of being able to reduce 300,000*l.* on the Navy and Ordnance estimates, he must say that that was really no actual saving; it was throwing over to next year a burden which belonged to the present. In addition to which, he was afraid that the excess of expenditure over the naval votes would be more than 300,000*l.* In the year ending April, 1847, the naval expenditure had exceeded the votes by 240,000*l.*; and he estimated the excess at 400,000*l.* for the year ending April, 1848; it might be more, but he felt sure that it would not be less; therefore it was quite clear that the excess of naval expenditure over the votes was to be set off against the reduction of which the right hon. Gentleman spoke. But the right hon. Gentleman had adopted the recommendation of the hon. Member for Bolton, by carrying the appropriations in aid to the ways and means of the present year, and he calculated that he should gain by that change. Now that change might simplify the accounts, but it could be no saving to the country; it could not reduce deficiency of revenue, and it was the duty of that House to keep up the revenue, and when they had a deficiency of 1,500,000*l.*, according even to the improved prospects of the Chancellor of the Exchequer, not to throw away 240,000*l.* It was the duty of that House to cut down the expenditure of the country as far as possible; but when they were satisfied of its necessity it was then equally the duty of the House to provide the means of meeting that expenditure. The public credit could not otherwise be supported; and unless the public credit was maintained, our institutions could not be preserved. With this view, and for these reasons, he should cordially support the Amendment of his hon. Friend.

MR. C. BRUCE did not think the present state of the public finances would warrant any sacrifice of revenue. The Chancellor of the Exchequer, in addressing the House the other night upon the deficiency of the revenue, had made a slight allusion to the duty on corn, but he seemed to feel that it would burn his mouth. If the hon. Member for the West Riding of Yorkshire succeeded, in the present state of the revenue, in prevailing upon the House to sacrifice an amount of revenue to the extent of 1,200,000*l.* a year, raised by the duty upon corn—a duty which nobody made matter of complaint—then he could only say that he would deserve another purse of 80,000*l.* from all those persons in the country who desired to see extensive changes in the country brought about by financial embarrassment. But, referring to the more immediate question before the House, he must say that neither he nor his constituents had any personal connexion with or interest in the West Indian colonies; but they regarded that question as one involving the honour of this country and the great interests of humanity—which were matters that ought to be held as paramount in that House. They had to say whether they would adopt a course that would give effect to their past efforts to abolish slavery, or pursue a policy having a tendency to render all those efforts vain—to augment the sufferings of the African race—and to wrench from this country the glory of having at least attempted to extinguish the abominable traffic in human beings. They had been told that this was a question of revenue by the hon. Member for Liverpool; and the hon. Member for Westbury had told them it was emphatically the British consumers' question. Now, he differed from both of those views, and maintained that it was a question of West Indian distress, of whether they would now so legislate as to rescue the planters from ruin. Everybody would admit that their policy towards the West Indian colonies had of late years been marked by egregious folly and dishonesty; it was a great breach of faith, and had aggravated slavery. Now, he did not blame the present or the late Government for this; but he did blame the people of the United Kingdom for encouraging and stimulating the Government in adopting the selfish and demoralising axioms of free trade. He was actuated by no hostility to the Government, or any desire to disturb or unsettle its position in the vote he intended to give; on the contrary, he should regard it as a great misfortune in the present state of the country if a change took place in the Government, which he must confess had conducted itself with great decision, temper, energy, and success in the recent difficult and threatening state of affairs; and the right hon. Baronet the Secretary of State for the Home Department had merited the approbation and gratitude of the country for the manner in which he had guided the ship of the State past the shoals and the breakers. Of other departments of the Administration, however, he could not express equal approval; but he would abstain from introducing party feeling into the debate. Now that a better spirit and feeling had come over persons' minds, it behoved them to set sedulously about repairing the evils entailed upon the colonies by their past mischievous legislation. Everybody intimately connected with the West Indies repudiated the idea that the Government proposition was adequate to the emergency for which it was designed. The Government ought to have adopted the recommendations of the able, indefatigable, independent, and honest Committee appointed to inquire into the state of the West Indies—a course which, whilst it might have been adopted without compromising the independence of the Government, would at least have convinced the West Indian planters that they were at length disposed to grant them reparation and redress, and would have absolved the Government from responsibility, if the distress of these colonies did not gradually disappear. He regretted that the principles of free trade and protection had been so much mixed up with, and made so prominent in that discussion: the question turned upon infinitely higher considerations than either the one or the other of these systems; the principles of humanity were at stake in the question. But if the Government wished to act upon free-trade maxims, they had really cut away the ground from under their own feet; for the Government proposition involved an equal abandonment of free-trade principles with that of the hon. Member for Droitwich. The present, he admitted, was an exceptional case, and the Government could not fairly be regarded as turning their backs upon free trade, because in this peculiar instance they did not rigidly apply its maxims. Free trade, like everything else, was chiefly to be found fault with when it was pushed too far, and pursued without reference to existing interests. Again, upon the simple ground of economy, the Government would only be acting wisely if it made an adequate concession to the colonies, otherwise they would be actually throwing away money, By the consumer putting up with the sacrifice of about ¼*d.* per lb. on sugar, the value of the fee-simple of the colonies would be enhanced; and it would therefore be altogether cheaper for this country to maintain the colonies. The difference between the two propositions immediately before the House was very slight; and it was almost a toss-up which of them they should adopt. The great question was, would they seek to restore prosperity to the colonies, and to suppress the slave trade? Slavery could only be put down by excluding slave-grown sugar from our markets; and if they would have the planters introduce all those improvements which had been recommended upon estates, they must allow them not only a large amount of protection, but secure it to them for a sufficient length of time to admit of the full development of all the remedies suggested upon this question. He concurred with the right hon. Member for Tamworth in doubting whether immigration would be of any substantial avail. He feared those colonies which resorted to it would afterwards find they had tied a millstone round their own necks; but the colonial expenditure might be advantageously diminished. He would vote for the Amendment, as being the lesser evil, although he had no hope that, even if it were carried, it would secure its object.

Mr. H. BAILLIE said, the hon. Member for Westbury affirmed that a differential duty against foreign sugar, no matter to what amount, small or large, was a tax of so much upon the people of this country. The hon. Gentleman laid that down as an axiom; but he was prepared to deny it. The planters in Cuba could grow sugar at 15*s.* per cwt. cheaper than our colonists; and the differential duty of 10*s.* against them, would still enable them to compete successfully with our colonial produce. He was at a loss to conceive how the 5*s.* difference could be imposed upon the people of this country; for he thought it went into the pockets of the Cuban planters. He would illustrate his opinion by a fact which he had heard that very day. He contended that a duty imposed and a duty taken off did not always burden or relieve the consumer. The circumstance to which he alluded was this. A merchant in the city of London had informed him that day, that upon the receipt of the intelligence that 1*s.* 6*d.* would be taken off a certain class of sugar by the Government, he had writen out to Brazil, for the purpose of ordering a certain quantity of sugar to be furnished, and offering 1*s.* 6*d.* more, so that instead of the consumer gaining the additional 1*s.* 6*d.*, the Brazilian planter would gain it. He confessed he was placed in a somewhat awkward position with respect to the Amendment of his hon. Friend the Member for Leominster, because, although he thought it was preferable to the proposition of Her Majesty's Government, yet he did not consider it to be so good as that of which he had given notice. He did not think either the proposition of the Government or that of his hon. Friend (Mr. Barkly) would be the means of averting that ruin which was impending over the West Indies, or save them from that fate which had been sealed by the decision of the House of Commons. And he confessed that it was not without pain that he reflected upon what would be the feelings of the colonists when the news of the debate which had lately taken place in that House should have been carried to the other side of the Atlantic. They (the colonists) would find that the hon. Gentleman who represented the colonies in that House (Mr. Hawes), whom they might perhaps fondly imagine would have been their advocate, appeared as a special pleader against them. They would find that he stated on behalf of the Colonial Office that there was no particular distress in the colonies at the present moment. [Mr. HAWES: No!] The hon. Gentleman had stated that distress pervaded every portion of the empire, and therefore the colonists had no great reason to complain of the distress affecting their interests in particular. But there was a remarkable speech of the hon. Gentleman—he quoted all the despatches which had been received in this country during the last fifty years from the colonies, down to the recent distress—despatches which had no bearing upon the present discussion; but he entirely omitted to quote those important despatches and complaints which had been recently received from Lord Harris and by Sir C. Grey, and which bore distinctly upon the subject before the House. Either the hon. Gentlemen at the Colonial Office believed or disbelieved the statements of the Governors of the colonies. If they disbelieved their statements, the Governors ought to be removed. If they believed their statements, the hon. Gentlemen at the Colonial Office were bound to lay them before the House. And what would be the feeling of the people of the United States when they read the report of the speech of the right hon. Baronet the Member for Tamworth, he (Mr. Baillie) was at a loss to understand. When they found that a statesman so eminent, one upon whose opinion so much weight was deservedly placed in that House, and throughout the country generally, said that no better consolation remained to the West India colonies than the prospect of revolt amongst the slaves of Cuba—or amongst the slaves of the southern States of America—he could easily understand the feelings of indignation with which the people of America would read that statement. The question really before the House was whether the West Indian colonies were to be given up or maintained? If the majority of the House were of the same opinion as the hon. Member for the West Riding of Yorkshire, that the colonies were useless and burdensome, and that it would be to the advantage of the people of this country to receive colonial produce from Cuba and Brazil, they should at once be prepared to adopt a straightforward course, and to do a last and final act of justice to our West Indian colonies. They should be prepared to state that, as this country had changed its policy with regard to the colonies, so they were prepared to release those colonies from any further allegiance to the British Crown. They should state that they were prepared to allow the colonists to adopt that course which they might think conducive to their future happiness and prosperity; that they might, if they thought proper, attach themselves to that great country which they believed to be the most able and willing to extend to them proper protection. That would be the most straightforward course, and to that they must ultimately come. But the right hon. Baronet the Member for Tamworth said he was not prepared to adopt that course—he was not prepared to abandon or maintain the colonies—he was only prepared to adopt a neutral course. Such a policy would bring the colonies to irretrievable ruin.

Mr. GODSON recommended the House to come to the consideration of the question really before it, which was whether muscovado sugar should be admitted at 13*s.* or 14*s.*, and not whether free trade should be applied to the West India colonies. The House had now decided that the recommendation of the Committee of the adoption of a 10*s.* differential duty should not be agreed to; and although he should have most approved of the plan of the hon. Member for Montrose, yet, as the choice now rested between the plan of the Government and that of the hon. Member for Leominster, he was bound to say that he thought the Government proposal the better of the two. It was impossible to form an uniform plan for all the different sugars of the different colonies, east and west, which should be equally applicable and beneficial to all. He thought it unfair and unjust to the West Indies to press the revenue so much as had been insisted upon in the present debate. The question was, whether the distress was so extreme that by and by the colonies must be abandoned; and, no matter whether the revenue was falling or not, it was the duty of the Legislature to preserve the colonies. As it was decided that the colonies were not to have the differential duty of 10*s.*, the next best thing for them was consumption, and that was only to be obtained by gradual reduction of duties. If the plan of the Ministry should be adopted, such was his opinion of the great advantage which the slave trade gave to Cuba and Brazil, that he felt convinced that in 1851 the then Chancellor of the Exchequer would have to come down to the House to stop the scale from falling lower. The plan of the Government was so far better, as it would give the West Indians at least some glimmering of hope of a day when there should be something like equality—not mere equality as to figures, but as to value. The Government also promised a loan or a gift of 500,000*l.* It would have been much better for the West Indians to have the 1,300,000*l.* which was owing to them; but immigration, so far as it went, would go to enable them to meet the foreign trader, and an Englishman, with fair play and fair means of competition, could compete with any one. On the two grounds, that the plan proposed by the hon. Member (Mr. Barkly) left out the white sugars, and would not increase consumption, he thought the Ministerial plan the least evil of the two.

Mr. MOWATT would promise not to travel into the budget, or "old stores." The Government having come to the determination that there were circumstances in the case of the West Indies justifying a departure from their rule of policy in matters of trade and commerce, the West Indians really seemed to have the best of the argument, since they had a right to expect such a scale as would answer the desired purpose. For himself, he took quite a different view. He belonged neither to the Government nor to the West Indian party; but if he must give himself a denomination, he should say he was there representing the interests of a third party who were suffering between the two, namely, the people. The Government measure would give no substantial aid to the West Indians. They had fought their way through a transition state from slave labour to free, without any thanks to the Government, so far as to reduce the cost of production to range between 15*s.* and 20*s.* per cwt., while in the slave countries it was 15*s.* Let alone for a little longer, our colonies would be able to compete with those countries; there was but a small margin to overcome. But the Government ought not to have departed from the principle of leaving to all industrial classes the result of their own enterprise. It would reopen a vast sea of controversy, and shake the confidence of the country in the *bonâ fides* of the Government with respect to free trade. Viewing both plans as evils, he (Mr. Mowatt) would take no part in either of them.

Lord G. BENTINCK moved that the Chairman report progress, and ask leave to sit again.

Lord J. RUSSELL said, that a Committee had been appointed to consider the best way of expediting the public business in that House; but there could be no great hope of any recommendation of theirs being effectual unless the House would determine, when once it had undertaken the discussion of a subject, to go on with it and dispose of it. The House was then, on the 7th of July, occupied with the continuation of a debate which began on the 16th of June; and he could not see why they should decline to proceed with the discussion. It began when the House was not near so full; it was carried on with great ability by the right hon. Gentleman (Mr. Gladstone) and others, who had nearly exhausted the subject, and among them were three hon. Gentlemen interested in the West Indian colonies, who had given their views. The noble Lord, who had for months followed up this question through all its difficulties, was certainly fully entitled to be heard, and no doubt the House would hear him at any hour. But as for adjourning to Monday the question whether there should be a 13*s.* or a 14*s.* duty, and a protection of 7*s.* for six years, or duties lowered with a view of increasing consumption, and then on Monday beginning with a thin House, and proceeding with some fifty Members through a protracted discussion, it seemed to him (Lord J. Russell) to be giving such encouragement to lengthened debates, that he really could not consent to the Motion, and must ask the Committee to decide upon it by a division.

Lord G. BENTINCK hoped he was not asking anything unreasonable. He was the Chairman of the Select Committee. It was not his fault that he had not yet addressed the House in Committee at all; on Friday night, at various hours, not seeking to speak at a fashionable hour of the night, he was up three times, but was not so fortunate as to catch the Chairman's eye. He felt it his duty to address the Committee; and, charged as he was with the interests of these West India colonies, he thought it was scarcely reasonable to call upon him at a quarter past twelve to answer all the statements that had been made against them, and against the advice of the Committee over which he had the honour to peside. Therefore, though he was most sorry at any time to run counter to the feeling of the House, confident as he was that at that hour he had neither the wit nor the ability to amuse the House or to attract its attention, he was under the disagreeable necessity of persisting in his Motion.

The Committee divided on the question, that the Chairman do report progress:—Ayes 80: Noes 211; Majority 131.

List of the Ayes.

Baillie, H. J.
Baldock, E. H.
Barkly, H.
Baring, T.
Benbow, J.
Beresford, W.
Berkeley, hon. G. F.
Boldero, H. G.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Bruce, C. L. C.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cardwell, E.
Chaplin, W. J.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
Compton, H. C.
Corry, rt. hon. H. L.
Dodd, J. W.
Edwards, H.
Farnham, E. B.
Farrer, J.
Filmer, Sir E.
Forbes, W.
Forester, hon. G. C. W.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Godson, R.
Goulburn, rt. hon. H.
Hamilton, Lord C.
Harris, hon. Capt.
Henley, J. W.
Hildyard, R. C.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Hotham, Lord
Ingestre, Visct.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Keogh, W.
Knox, Col.
Lennox, Lord H. G.
Mackenzie, W. F.
Macnaghten, Sir E.
Mahon, Visct.
Manners, Lord G.
March, Earl of
Masterman, J.
Miles, P. W. S.
Miles, W.
Moffatt, G.
Mullings, J. R.
Napier, J.
Neeld, J.
Neeld, J.
Newport, Visct.
O'Connor, F.
Oswald, A.
Packe, C. W.
Pakington, Sir J.
Renton, J. C.
Rufford, F.
Sibthorp, Col.
Smyth, hon. G.
Spooner, R.
Thesiger, Sir F.
Trollope, Sir J.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Willoughby, Sir H.
Wodehouse, E.

TELLERS.
Bentinck, Lord G.
Stuart, J.

List of the Noes.

Abdy, T. N.
Acland, Sir T. D.
Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alford, Visct.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Baring, rt. hon. Sir F.
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. C. F.
Blake, M. J.
Bouverie, hon. E. P.
Bowring, Dr.
Boyle, hon. Col.
Brand, T.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Browne, R. D.
Buller, C.
Bunbury, E. H.
Buxton, Sir E. N.
Cavendish, hon. C. C.
Childers, J. W.
Cholmeley, Sir M.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cockburn, A. J. E.
Conyngham, Lord A.
Courtenay, Lord
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Dashwood, G. H.
Dawson, hon. T. V.
Deedes, W.
Denison, W. J.
Divett, E.
Douglas, Sir C. E.
Drumlanrig, Visct.
Drummond, H. H.
Duncan, G.
Duncuft, J.

Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Egerton, Sir P.
Ellice, E.
Elliot, hon. J. E.
Enfield, Visct.
Estcourt, J. B. B.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
FitzGerald, W. R. S.
FitzPatrick, rt. hn. J. W.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Freestun, Col.
Gladstone, rt. hon. W. E.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Haggitt, F. R.
Hallyburton, Lord J. F.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayes, Sir E.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Heathcote, Sir W.
Heneage, G. H. W.
Henry, A.
Herbert, rt. hon. S.
Hervey, Lord A.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Howard, Sir R.
Hughes, W. B.
Inglis, Sir R. H.
Jervis, Sir J.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Lockhart, W.
Macnamara, Maj.
M'Cullagh, W. T.
Maher, N. V.
Marshall, J. G.
Marshall, W.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Monsell, W.
Morpeth, Visct.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
Nugent, Sir P.
Ogle, S. C. H.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pearson, C.
Pechell, Capt.
Peel, rt. hon. Sir R.
Pigott, F.
Pilkington, J.
Price, Sir R.
Pusey, P.
Raphael, A.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Robinson, G. R.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Scholefield, W.
Scrope, G. P.
Seymer, H. K.
Seymour, Sir H.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Stuart, H.
Sturt, H. G.
Sutton, J. H. M.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Serj.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. J. F.
Townshend, Capt.
Trelawny, J. S.
Turner, E.
Turner, G. J.
Villiers, hon. C.
Vivian, J. H.
Ward, H. G.
Watkins, Col.
Wawn, J. T.
Westhead, J. P.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wyld, J.

TELLERS.
Tufnell, H.
Hill, Lord M.

The House resumed, Committee to sit again.

House in Committee of Supply.

Several votes were agreed to. House resumed, and adjourned at a quarter past One.

HOUSE OF LORDS,

Monday, July 10, 1848.

MINUTES.] PUBLIC BILLS.—1ª Ecclesiastical Patronage Suits Compromise (Ireland).

2ª Exchange of Ecclesiastical Patronage between Her Majesty and the Earl of Leicester; Payment of Debts out of Real Estate.

PETITIONS PRESENTED. From Medical Men in Halifax, in favour of the Public Health Bill.—From Lancaster, and other Places, against the Sale of Intoxicating Liquors on the Sabbath.—From the Chamber of Commerce of Edinburgh, in favour of the Law of Entail (Scotland) Bill.—From Ardconaig, and a great Number of other Places, in Scotland, for Facilitating the Attainment of Sites for Free Churches.—From Birmingham, and Manchester, in favour of the Sale of Beer Regulation Bill.—From an Odd Fellows' Lodge of Dewsbury, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From the Dukinfield Waterworks Company, against the Public Health Bill.—From Ratepayers of the Nenagh Union, for a full Inquiry into the Working of the Irish Poor Law.—From Suffolk, for the Adoption of Measures for the Reformation of Juvenile Offenders.

CLUBS (IRELAND).

LORD BROUGHAM wished to direct the attention of Her Majesty's Government to a subject connected with the present state of matters in Ireland; and, in doing so, he hoped it would be understood that he was not asking for information. He alluded to the organisation of secret clubs of a dangerous character in that country. The well-known existence of these clubs was causing the greatest alarm even among persons of firm minds, as the system of organisation by which they were formed and sustained was very much calculated to lead away the ignorant and unwary. He hoped, therefore, that the attention of Her Majesty's Government was directed to this subject, and to the adoption of means for obviating the dangerous consequences of that kind of agitation in Ireland which had ever been the pest and curse of that unhappy country. He was sure that if the Government wished any means taken to strengthen their hands in this matter, they would find no difficulty either in that or in the other House of Parliament with regard to the passing of any measures that might be deemed necessary to put an end to such a perilous state of things.

The MARQUESS of LANSDOWNE thought it necessary only to say, that the attention of the Lord Lieutenant of Ireland as well as of Her Majesty's Government had been directed to this subject. With respect to the perils of those clubs the existence of which had been referred to by the noble and learned Lord, he believed there could be no difference of opinion.

SCOTCH FREE CHURCH.

The MARQUESS of BREADALBANE rose to present 162 petitions, complaining of the refusal of sites for Free churches in Scotland. He had about fifty other petitions to lay before their Lordships, but these he would delay till the Bill respecting sites came from the other House of Parliament. The noble Marquess then quoted several passages from the report of the Committee on Sites, to the effect that they had found on investigation that there were a number of Free Church congregations in Scotland without any place of worship, and which were accustomed in consequence to meet in the open air; that 725 churches had already been built by the Free Church, and that sites had been refused to 35 congregations; and also the hope expressed by the Committee that every just ground of complaint would be speedily removed by those who had it in their power to redress such grievances. Such was the state of matters when the Committee reported, and he found on inquiry that there were still 35 congregations, including 16,000 people, who were refused sites, so that the grievance existed to as great an extent as it did when the report of the Committee was adopted. He regarded this grievance as inconsistent with the principles of the British constitution; and he regretted to say that it was one which he could not expect all their Lordships to condemn, as there were Members of their Lordships' House who stood among the number of those by whom these sites were refused. He imputed motives to no one; but he trusted that those noble Lords, when they came to know all the circumstances, would no longer consider themselves justified in refusing sites to the Free Church. Would any of their Lordships be justified in taking steps to prevent a man from earning his daily bread? Surely not. Then, how could any man be justified in preventing others from obtaining eternal salvation in the way which their consciences pointed out? No man was entitled to interpose between a man and his Maker and that eternal salvation which God had provided. Who were they to whom sites were refused? They were members of the Free Church of Scotland—that denomination of Christians who from conscientious motives had seceded from the Established Church of that country. This church had 698 ministers, and the number of churches in existence was 701; 241 manses were built, and 53 more building. Since their rupture with the Establishment they had raised, for purely religious and educational purposes in 1843-4, 363,713*l.*; in 1844-5, 344,483*l.*; in 1845-6, 301,000*l.*; in 1846-7, 311,698*l.*; and in 1847-8, 276,493*l.*, making in all a total of 1,600,000*l.* in round numbers. Having thus brought this grievance under their Lordships' notice, and having stated what this Christian people had done, he hoped that they would obtain that redress which a British Legislature should afford to British subjects, when they had occasion to complain of infringements upon their rights and privileges. The noble Marquess then presented the petitions.

House adjourned.

HOUSE OF COMMONS,

Monday, July 10, 1848.

MINUTES.] PUBLIC BILLS.—1° Poor Law Union Charges (No. 2).

2° West India Islands Relief; Parochial Debt and Audit; Poor Law Union District Schools; Court of Justiciary (Scotland); Corn Markets (Ireland).

3° County Cess.

PETITIONS PRESENTED. By Mr. Thomas Greene, from Galgate, Lancashire, and several other Places, for an Extension of the Elective Franchise.—By Mr. Sharman Crawford, from Inhabitants of Bethnal Green, and by other Hon. Members, from several Places, for the Adoption of Universal Suffrage.—By Viscount Galway, from Cringley, Nottingham, for a Better Observance of the Lord's Day.—By Mr. Cowan, from Pennicuick, in the County of Edinburgh, in favour of the Places of Worship Sites (Scotland) Bill.—By Sir H. F. Davie, from the Magistrates and Council of Haddington, for Inquiry respecting the Excise Laws.—By Mr. Frewen, from several Merchants and Others, of the City of London, for a Repeal of the Duty on Malt.—By Mr. Cowan, from the Edinburgh Chamber of Commerce, against any Alteration of Sugar Duty.—By Mr. Duncan, from Dundee, for Inquiry into the Bakers' Grievances.—By Mr. Osborne, from Clonmel, for Amendment of the Corn Markets (Ireland) Act.—By Sir Lucius O'Brien, from Clare, for the Abolition of the Office of Coroner (Ireland).—By Sir R. H. Inglis, from the Parishes of Piddington, Hackleton, and Horton, Northampton, against the Diplomatic Relations, Court of Rome, Bill.—By Sir D. Dundas, from Dingwall, for an Establishment of a College at Inverness.

our own affairs as a nation, of our colonies being first ruined by our own measures, and then abandoned. He submitted to Her Majesty's Government that the House had never had the question put to it in the view that it ought to have been, namely, "Will you maintain our colonies, or will you not?" Many persons agreed with him that, in former days, the colonies ought to have been obliged to pay their own expenses, and, in return for that, to have been enabled to regulate their own affairs, and appoint their own officers: in other words, to be placed exactly in the situation of the province of New York before the American revolution. The plan of the noble Lord, however, afforded the most homœopathic amount of relief. He ought either to leave the colonies as they are, or to give them sufficient time to obtain free labour, so as to have a fair chance in competition with slave labour. He had no doubt with free labour the West India colonies would speedily be able to compete with the slave labour of Cuba or Brazil. To give them this was not to give them protection; it was only to perform an act of justice.

LORD GEORGE BENTINCK:* I have to apologise to the House for having moved the adjournment on Friday night; but I trust that the House will feel that the question is all-important, and that, having been Chairman of the Select Committee that sat so many days and hours, I am naturally anxious to have an opportunity of addressing the Committee other than at a late hour of the night. The question now is, not whether the House should afford additional protection and some relief to the West Indian colonies, the Mauritius, and the sugar-planting interests in the East; but what should be the degree and amount of relief which the House should afford? It is no longer a question whether the Sugar Duties Act of 1846 should be maintained or abandoned; the House of Commons has condemned that Act by a majority of nine to one, and there were only thirty-six Members of this House last week to be found prepared to affirm and maintain the policy of the Act of 1846. With respect to the Amendment of the hon. Member for Leominster, I ought to say, that it is a proposal I very little approve. At the same time, the question for me to decide is, whether it is better or worse than the proposition of Her Majesty's Ministers? The protection proposed by the hon. Member for Leominster for six years amounts to 45*s.*; that is to say, 7*s.* 7*d.* for six consecutive years on the finest quality of sugar, and to 27*s.* upon the lowest quality of sugar at 4*s.* 6*d.* a cwt. for the same period; whilst the proposal of Her Majesty's Ministers amounts, in the six years, to only 32*s.* 6*d.* against the first quality of sugar, that is "brown clayed," and to 24*s.* against the lower qualities of foreign muscovado sugar: it is impossible, therefore, to dispute that the proposal of the hon. Member for Leominster is, as regards the colonies, a better measure of relief than that proposed by the noble Lord; and therefore, as between these two proposals, I cannot doubt that I am bound to give my vote for the Amendment of the hon. Gentleman. But in so doing, I feel it to be my duty to say, that on behalf of the West India interest, on behalf of the interest of the Mauritius, on behalf of the sugar planters of the East Indies, on behalf of the Gentlemen in the Committee who honoured me with their support, and on my own behalf, I repudiate the proposal as a final settlement of the question. It is not satisfactory to the British West Indies, or to the Mauritius, or to the East Indies. I believe that that measure is not recommended by any of those great interests which are immediately concerned; it is not a proposal which was mooted at all in the Committee over which I had the honour to preside; it has not the sanction of the great interests in this country, which assembled in London in May last; nor has it the support of the great interests which met at Liverpool in the early part of last month. It is opposed to the recommendations which from time to time have been received from the West Indies and the Mauritius, which all point at a lowering of the price to the consumer by a reduction of duty, and thus creating an increase of consumption; and it has not the sanction of the East India Company. Now, the proposal of the Committee—which was finally sanctioned by the Committee, though it does not go the length of what has been asked for by the West Indies and the Mauritius—has yet met with the sanction of the largest meeting of merchants and others assembled in Liverpool since 1841; for, after an open discussion, in which the greatest endeavours were made by the free-trade party, by the Manchester school, to defeat the resolutions which were finally passed at that meeting—notwithstanding the hon. Member for South Lancashire, Mr. William Brown, and the hon. Member for Wolverhampton, Mr. Thornely, went down to support the views of those who are constant to the Act of 1846—after an open and able discussion, the proposal made to the Committee by Sir Thomas Birch, for a 10*s*. differential duty for six years, was so strongly supported that the newspapers inform us, that finally only six hands were held up against it; and when the same proposition was mooted at a meeting of the proprietors of East India stock, at the East India House, the Chairman announced that the Court of Directors was unanimous, there being but one dissentient voice against the 10*s*. duty at the meeting of the proprietors of the East India Company. And we have now late—though better late than never—the assurance of Sir Charles Grey, the Governor General of Jamaica, that, "after a careful and most painstaking review of the whole subject, his opinion is, that a duty of 2*d*. in the pound on foreign sugar, and 1*d*. in the pound on colonial sugar, is the only resource to prevent a large portion of the estates in Jamaica from being thrown out of cultivation." We have also the representation of those able men who represent the interests of the Mauritius, made to the Government in November last, that a duty of 9*s*. 4*d*. on colonial sugar, and 20*s*. on foreign sugar, is the relief which they require, and without which they cannot continue to cultivate their estates. You have, last of all, after a most laborious investigation, the recommendation of a majority of the Committee appointed by you to inquire "whether any and what measures could be adopted by Parliament for the relief" of these colonies; that a duty of 20*s*. on foreign, and 10*s*. on colonial sugar is the relief which Parliament ought to afford to those suffering interests. Look, therefore, where I will, I find such unanimity in support of a differential duty of 10*s*. in favour of the colonies, that I am surprised that any Gentleman connected with the West India interest should rest on his own individual judgment in opposition to that of nearly all the parties immediately concerned, and should fix upon the proposition recommended to the House by the hon. Gentleman the Member for Leominster, whereby it is proposed to afford relief by raising the duty on foreign instead of reducing the duty on colonial sugar.

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* From a published Report.

In addition to this testimony in favour of the recommendation of the Committee, I hold in my hand extracts from the *Jamaica Times* of the 29th of May and 1st of June. On the 29th of May they were under the impression that Her Majesty's Ministers were prepared to give a 10*s*. duty for three years; and under that impression, this was the language of that journal:—

> "If we are to believe rumour, it would appear that the only relief to be doled out to the planters, at the recommendation of the Committee, will be a differential duty of 10*s*. per cwt. to continue for three years. If this partial and insignificant relief is all that the West India colonies are to expect, we say, let it be flung back with indignation in the face of Parliament."

In two days afterwards the first information reached the island that the recommendation of the Committee, which they presumed would be attended to by Parliament, would probably be something very like the recommendation at which the Committee did afterwards arrive; and accordingly, on June 1, the same journal says—

> "The *coup de grace* was inflicted by the Bill of 1846. Despondency had supplied the place of hope, and like the shattered vessel endeavouring to catch a glimpse of land, so were they looking with feverish anxiety for something upon which they might build a hope. May we not then say that we have one thing at least upon which we may build that hope, in the possession of the fulness of the seasons which have returned to the island? Yes! Divine Providence has, in mercy, granted that without which every other boon would be useless; that which forms the basis of every other benefit that may be conferred. Would that we were as sure of human aid! Those to whom we have looked for that protection and favour, to which we have a national claim, have been our most relentless persecutors; yet we have a glimmering of hope that they are now awakened to a sense of the injustice they have done us. It is observable in respect to fortunate events as well as in respect to mishaps, that a succession of fortune, whether of good or evil fortune, follows hard upon each other. We have been for these fourteen years suffering all the vicissitudes of accumulated misfortunes. We shall, therefore, hail our blissful rains as the forerunner of other favourable events. Should this be now followed by the reduced duty upon colonial sugar to 10*s*., accompanied by a protective duty of 10*s*. against foreign sugar, as it is alleged will be the recommendation of Lord George Bentinck's Committee; and if to these is added a free system of African immigration, unrestricted by rules induced by the distempered and embittered minds of our most inveterate enemies, then, indeed, may Jamaica hope for better days than have lately fallen to her lot. The packet, which is this day expected, may, we hope, bring cheerful tidings to our hearts."

There, is therefore, the opinion not only of the Governor General of Jamaica, but of the editor of the newspaper which is supposed to speak the sentiments of the planters of Jamaica, that the proposal of the Committee would "bring cheerful tidings to the hearts" of the people of Jamaica, and would hold out to them a prospect of greater prosperity than had "lately fallen to her lot." Such being the case, it is to me a matter of deep regret that Her Majesty's Ministers should not have thought proper to propose or sanction such a healing measure as would have been satisfactory to the great interests concerned, and should have preferred to make a proposal which appears to give satisfaction to no one. No one has been found to rise in this House and say that he approved of the measure; and it has met with no approbation out of doors.

But when I rose, my intention was to answer the arguments which have been adduced principally by the two hon. Members for Manchester (Mr. Bright and Mr. Milner Gibson) against any further claim of the British colonists for relief; and to answer the question whether they have or not received full compensation; and to that part of the question I will now address myself. Referring the House to the speech of the hon. Member for Manchester (Mr. Bright), I will address myself to the question, "Have the British colonies, or have they not, received full compensation?" The hon. Member used the very ingenious argument that the value of the produce of the British colonies in a long series of years had annually been only so much, stating his estimate of the annual value of the produce exported from each colony, giving, as one instance, Jamaica, estimated at 3,000,000*l.* sterling annually, and entered into a calculation to show, taking the profits of trade as very remunerative at 10 per cent upon produce, that the 15,600,000*l.* paid to the West Indies would, at interest at 5 per cent far exceed the profits of the British West Indies calculated at 10 per cent upon the annual value of the produce. Now, that is an ingenious argument; but it rests upon no solid foundation. It might be good for something so far as the merchants engaging in the sugar trade were concerned; they, no doubt, would be well contented if they earned ten per cent; but to say that ten per cent on the value of the produce exported is a fair and ample return for all the capital invested in those West Indian estates, is one of the most unreasonable arguments I ever heard, and one of the most surprising, when it comes from an hon. Gentleman himself connected with trade.

But it is not very difficult to show what really have been the profits of the West Indian planters in a long course of years; and I will endeavour to do this. Towards the end of the last century it was commonly calculated that 130,000,000*l.* was the amount of capital invested in the West Indies; and I will now show to the House what have been the profits of the planters at various periods during the present century. In 1814, it is stated by Mr. Marshall in his statistical returns, which were received as authority in that House, and for which that Gentleman had been justly rewarded, that the value of sugar alone imported from the British West Indies was 12,484,714. The cost of making sugar at that period was 16*l.* a ton, and in that year they made 182,140 tons. The total cost, therefore, of making that sugar would amount to 2,914,140*l.* Mr. Marshall further stated that in 1831 the charge for freight for all the produce of the British West Indies was 1,000,000*l.* sterling, and the charges for insurance, agency, commission, and brokerage, amounted to 400,000*l.* But as 1814 was a period of war, though the produce was not so great, I will assume that the charge for freight and the charges for insurance, brokerage, &c., were double, and that, instead of 1,000,000*l.* sterling, it was in 1814, 2,000,000*l.* sterling, and instead of 400,000*l.*, 800,000*l.* Then putting the three sums together, which constituted all the cost necessary to bring the sugar of the British West Indies into the London market, namely, cost of manufacture, freight, and general charges, the result was, a total cost of 5,714,140*l.*; which being deducted from the ascertained value of the sugar imported, would leave 6,770,574*l.*, as the clear profit left for proprietors, planters, and mortgagees. An annual income of 6,770,574*l.* at 20 years' purchase—the period fixed by the hon. Member himself, but considerably under the number of years' purchase at which West India estates sold at that time—would, in the year 1814, represent a capital of 135,411,480*l.* Now, if the hon. Member for Manchester had been in the House, he probably would say, "True, that may have been the value of the property in 1814; but it was artificially bolstered up to that amount by your system of protection." Sir, there is no foundation for any such allegation. So long as this country had not meddled with the colonial sources of labour, so long as the planters had the enjoyment of the services of their slaves, mild and mitigated as was the form of slavery that existed in the West Indies, compared with that now existing in Cuba and Brazil, although it was true they had a nominal protection and monopoly, I will show that that protection and monopoly was altogether a dead letter. For not only did they supply all the wants of the British market, but they every year exported largely to foreign markets. We are indebted to the hon. Member for Bolton (Dr. Bowring) for returns which give the comparative price of colonial and foreign sugar in those days. In 1814 the average *Gazette* price of colonial sugar was 59*s*. 10*d*.; and, in 1815, 73*s*. 4*d*.; but, in 1815, Havana sugar was 89*s*. 6*d*. In 1816, British colonial sugar was 61*s*. 10*d*., and Havana sugar, 74*s*. 2*d*.; which shows clearly, if the contrary be alleged, that protection was a dead letter so long as the British West Indies possessed the use of slaves, and were left on equal terms with other sugar-producing countries. But I will not be content with this. I will go to the years 1827, 1828, and 1829; and I will show that it was not surprising that the colonies should have complained of distress at that time, though they were still in the enjoyment of large profits. Though it is true that the foreign slave-grown sugar was getting nearer in cost to the British colonial sugar, still it appears, that in the years 1827, 1828, 1829, and 1830, according to the same return with Dr. Bowring's name on the back of it, the average price of British colonial sugar in the four years was 30*s*. 2¾*d*.; that of Havana sugar, 31*s*. 7½*d*., so that, up to that time, although the West Indian planter had been obliged by Parliament to give up half a day in every week, or twenty-six days in every year, of his right to the labour of his slaves, he was still able to undersell the foreign producer; and Lord Stanley stated, in introducing the Bill for negro emancipation, that, up to the year 1833, the British planter had been able to compete with the foreign producers, and, by his energy and capital, had succeeded in beating them in the foreign markets, for that we annually exported from 50,000 to 60,000 tons. Now in 1827, 1828, and 1829, taking the entire value of all the produce (including sugar) imported from the British West Indies, the average value was 8,849,519*l*.; and the evidence of Mr. Greene before the Committee, the accuracy of which, by universal consent, it has been acknowledged, may be implicitly relied upon, shows that the cost of production was 7*l*. 13*s*. 4*d*. per ton up to the year 1830. In 1830 the number of tons imported was 195,631, so that the total cost of manufacture would be 1,369,517*l*., to that I add 1,000,000*l*. on account of freight, and 400,000*l*. for insurance, brokerage, commission, &c., as estimated by Mr. Marshall; and as Mr. Greene shows that the proportion which the sugar bears to the rest of the crop is as 72½ to 27½, I add 27½ per cent for the cost of other produce, namely, 519,471*l*.; making the total cost of production 3,288,988*l*. on an average of these three years. Deducting this from 8,849,519*l*., the average value of the annual gross produce of the colonies, during those years, a clear annual profit remains of 5,560,531*l*., which sum multiplied by 20, the number of years purchase acknowledged by the hon. Gentleman the Member for Manchester to be a fair calculation, would represent 111,210,620*l*.

Next I come to the year 1830, when a Committee of this House sat on the distressed state of the British West Indies. In that year the price of sugar fell at one time as low as 21*s*. 10*d*. a cwt.—and it was then represented that up to that time the British colonies had never been in so depressed a condition; but even in that year of depression I think I can satisfactorily show that 15,600,000*l*. would have been no adequate compensation for the loss of property inflicted upon the West India colonists by the deprivation of their slaves. I am now reviewing the year 1830, and am speaking of the value of sugar only exported from the British West Indies. Mr. Greene stated the value of the gross produce of sugar sold in the year 1830 (195,631 tons), at 4,890,786*l*. The cost of production of this sugar was 1,360,517*l*.; with the addition of 1,000,000*l*. for freight, and 400,000*l*. for brokerage and charges, the total cost of bringing to market was 2,769,517*l*. Deducting this sum from the gross value of the produce of the colonies, there remained a total net profit to the planters of 2,121,269*l*. representing a gross capital of 42,425,380*l*. sterling.

I now come to another period in the history of the West Indies — the year 1847, a period of freedom fourteen years after the great Act of Emancipation had been carried. In that year the quantity of sugar imported from the British West Indies was 159,557 tons, the value of which was 4,336,930*l*. The cost of making now by free labour had risen from

7l. 13*s.* 4*d.* to 21*l.* 5*s.* per ton; total, 3,390,086*l.* The freight on sugar to England amounted in that year to 638,228*l.*; the brokerage and charges to 478,671*l.* The total cost of the manufacture of the sugar, together with the freight and charges, therefore, amounted to 4,506,985*l.* The sugar sold for consumption in 1847 was 129,130 tons, producing 3,524,323*l.* There remained unsold 30,427 tons of British West India sugar, and on the 5th of January last the *Gazette* price was 22*l.* 15*s.* If the whole of this stock had been sold and had realised that price, it would have produced 692,214*l.*, and the total sale value of all the sugar of that year would have been 4,216,537*l.*, to be set against the cost of manufacture, freight, and charges, amounting to 4,506,985*l.*, showing a dead loss on that year of 290,448*l.* without any charge for interest on capital invested, or any allowance for interest due to mortgagees. I should like to have asked the hon. Member for Manchester (Mr. Bright), had he been in his place, how he would account for that loss?

I think this is a statement which it is difficult to answer, and impossible to gainsay; and I am surprised that any one can contend that the British West Indies and the Mauritius obtained anything like compensation, and yet no doubt can be entertained that it was the intention of Parliament to give them full compensation: the preamble of the Act sets forth that they are "entitled to a reasonable compensation for the loss they would sustain by being deprived of the right to the services of their slaves." When the Members for Manchester maintain that in addition to the sum given by way of compensation to the West Indies, they had a protection which was equal to 15*s.* per cwt. for thirteen or fourteen years, and this was equal to 30,000,000*l.* more, I contend that this 15*s.* per cwt. was not equal to the difference in the cost of manufacture between slave and free labour during those years, and that the whole went into the pockets of the negroes, and no part of it into the pockets of the planters.

It is alleged by some hon. Gentlemen that there was no understanding that the colonists should be left in the exclusive enjoyment of the British market; but is it possible for any one who recollects the debates which took place within the House, and the feeling which prevailed out of the House, for one moment to give credence to the notion that there was not a perfect understanding that slave-grown sugar would not be admitted into the consumption of the English market? Lord Stanley, in introducing the measure—and we must take the sentiments of the Minister, who, swaying large majorities, carried the measure through the Commons' House of Parliament, as an index of the understanding which prevailed in the Legislature—stated, in answer to the apprehensions expressed by the West India interest that the effect of depriving them of their negroes would necessarily be a great diminution in the production of sugar, and consequent ruin would be brought upon the planters by the emancipation of their slaves. He held this language:—

> "We are told too that the effect of such a proceeding will necessarily be to cause a great diminution in the amount of production—that it will be absolutely impracticable to cultivate sugar—that the colonies must be thrown up—and that nothing but ruin will ensue. Sir, so far as the amount of the production of sugar is concerned, I am not quite certain that to some extent a diminution of that production would be a matter of regret. I am not quite certain that it might not be for the benefit of the planters and the colonists themselves in the end, if that production were in some degree diminished."

Such were the sentiments of Lord Stanley, in introducing the measure to Parliament. Now, how could a diminution in the amount of production be an advantage to the planter unless the monopoly of the home market had been secured to him, thus ensuring to him better prices in proportion as the supply diminished?

In a similar spirit, Lord Glenelg, Secretary of State for the Colonies, not in a debate but in a circular despatch, distributed in all the colonies, dated the 12th of October, 1835, gave reason to believe that the West India colonies were to have the exclusive supply of the home market. In the year 1835 the right of apprenticeship existed. In that year, Lord Glenelg, in a circular dated the 12th of October, 1835, says—

> "The purchaser of a claim under the Slavery Compensation Act does not incur the slightest assignable risk of losing his money—he has for his security the national faith of Great Britain and Ireland pledged in the most solemn form in which such an engagement was ever yet made. If the seller supposes that any danger really exists, he labours under an illusion so gross as without further proof to demonstrate that he is not in a state of general information to deal on equal terms with the speculators to whom his right is transferred."

This observation had reference to the

security of the planter under the Act of Parliament for the continuance of the services of the negroes as apprentices for the complete term of six years; but in three years that right was forcibly taken from the planter by the British Parliament, without any compensation at all.

The hon. Member for Manchester (Mr. Bright), who was not in his place, had told the Committee that there was distress in other places as well as in the West Indies; that the cotton manufacturers were distressed, and as much entitled to complain as the West India colonists, yet they did not come to ask for compensation, though they were as much entitled to it.

The cases, however, are not alike. If Parliament had deprived the cotton spinners and cotton manufacturers of their machinery, they would have been entitled to compensation; but I do not know upon what ground the cotton manufacturers could come to this House and ask for pecuniary relief. I readily admit that great distress prevails, and I shall be in a condition to show that that distress is the recoil of the distress which, by the Act of 1846, was first created in the British colonies and British possessions in the East. The ground of complaint, and the ground of claim of the colonies to compensation and to protection against the foreign slaveholder, is, that you, out of deep religious feeling and sentiment, made up your minds that you would not permit slavery to continue in the British dominions. Now, the slaves were the machinery by which sugar was made cheap; and when you deprived the British colonists of the machinery by which they made sugar cheap, you, in point of fact, did the same thing by them as though you had deprived a millowner of his steam engine. Now, suppose that sentiment had taken another line, and, instead of displaying itself in the abolition of slavery in the British colonies, it had taken the line of interfering with the machinery of the cotton spinner and the cotton manufacturer, then indeed the cotton spinners, so deprived of their powerlooms, would have been entitled to compensation. If that sentiment had taken the line of denouncing machinery, on the ground that it had been destructive of life and limb, and had abolished the use of steam engines in cotton mills by Act of Parliament, then indeed the hon. Member for Manchester (Mr. Bright) would have been equally entitled with the West India planter to compensation.

Mr. Horner, Mr. Howell, Mr. Stewart, and other factory inspectors, stated in the returns laid a few days since before Parliament, the amount of killed and wounded in the course of the last half year—the broken limbs, the lacerations, the contusions, the injuries of head and face, the dislocations, and the deaths which had taken place through the use of machinery in the English manufactories during the last six months; and, if those facts were not already familiar to the minds of hon. Members, they would now be astonished to learn that the returns of killed and wounded in the factories amounted annually to a greater number than the returns of killed and wounded at the battle of Trafalgar. At that most memorable engagement 26 Spanish and French ships of the line struck their colours to the British flag—20,000 men were made prisoners, and the empire of the sea was secured to Great Britain, at a less cost of life and limb than annually occurred in the manufacturing districts of England. At Trafalgar, the loss in killed and wounded was 1,690—the killed and wounded in the manufacturing districts of England appears annually to amount to 2,276! When Parliament, out of a tender-hearted sentiment, emancipated the slaves, it might, instaed of adopting that measure, have deprived the millowners of their steam engines, and have paid them as they paid the West Indians, at the rate of 8*s.* 10*d.* in the pound on its own valuation. It might have left the millowners all their estates, and said, "We have left you your tall chimneys, your large factories, all the machinery except the steam—you may, if you please, work your mills with human power, instead of steam power; we have paid you 8*s.* 10*d.* in the pound upon our valuation of your steam engines; how can you say you have not had full compensation? Surely if Parliament had done so, the Manchester manufacturer would be entitled to compensation, or at least to protection, for without his machinery his estate would be of no use; and now let it not be forgotten that it was at the bidding of the Manchester school that the Act of 1846 had been passed. But would the House allow the colonies thus to be stripped naked, and yield them no redress. There was no equity in destroying human machinery any more than there would be in destroying iron machinery.

In both cases the owners had a full right to compensation. There was an adage, as old as Christianity itself—

> "Among all honest Christian people,
> Whoe'er breaks limbs maintains the cripple."

Therefore I would say that full compensation ought, in honesty, to be made to those persons for their estates whose machinery, by which alone their estates could be rendered productive, had been crippled and destroyed by the acts of the British Legislature.

Many propositions and suggestions have been made on the subject of relief; but I know not how you can with justice make compensation by any partial measure of loan advances. Suppose you give no protection, and have recourse to loans of 500,000*l.* in addition to the 160,000*l.* you have already advanced to encourage immigration. Why, the money will go to Jamaica, Trinidad, British Guiana, and wherever labour is needed; while Barbadoes, Antigua, St. Kitt's, and the Mauritius, where labour is not needed, will derive no benefit. Surely some compensation is due to these colonies. Is the Mauritius to be punished because the planters had adopted, at an early period, means for increasing their supply of labour? These colonists have already paid nearly 800,000*l.* for the immigration and carrying back of Coolies; and whatever favour is shown to any number of the West India islands in the way of assisting them to import labour, now is, *pro tanto*, an injury to the Mauritius. Again, I cannot help observing that the plans upon which immigration had hitherto been carried out in the Mauritius under Government rules and superintendence, had been most expensive; and nothing could be more obvious than this, that to whatever extent unnecessary expense was carried, the colonies must be the sufferers. Amongst the faults of the immigration system, I cannot avoid noticing this, that no means were taken to bring over women with the men, and pains were taken to secure the return of the Coolies at the end of five years. Thus the practical effect upon the Mauritius is, that at the end of five years from this time she will be left destitute of labourers.

Turn to India; how can British India participate in the benefit of a loan? Is that portion of Her Majesty's dominions to be overlooked altogether? If so, why did you appoint a Committee to consider their case as well as the case of the West India colonists? If it be asserted that the East India planters have no claim because we deprived them of no slaves, I say they have a claim of a different character. They have the higher claim that you invaded their territories, and for more than half a century have compelled them to pay a yearly tribute to England of 3,700,000*l.*, besides a private tribute of 500,000*l.* And when the hon. Member for Manchester says that the cotton manufacturers have never asked for protection, it should be borne in mind that they have received protection for more than half a century against the cotton manufactures of India. Up to 1825, the protection in favour of Manchester was 37 per cent. [An Hon. MEMBER: 80 per cent.] An Hon. Gentleman says 80 per cent, and you compelled the people of India to receive English cottons into their market at 3½ per cent. Was that no protection to the Manchester manufacturer? The East India manufacturer did look to the Parliament of England for compensation. When you opened to them the sugar maket of this country, they did think a compensation was held out to them for the loss of their cotton trade. The late Chairman of the East India Company, Mr. Tucker, in his able evidence before the Sugar and Coffee Planting Committee, stated that in 1803 the value of manufactured cottons exported from India to England amounted to between 3,000,000*l.* and 4,000,000*l.*, and so late as the year 1818 or 1820, to 1,600,000*l.* In 1836 you made compensation for the loss of that 1,600,000*l.* by admitting their sugars, which they exported to the same amount. And what has been the consequence of your legislation? You have allowed slave-grown sugar to compete in the English market with the colonial producer; and you have ruined all those engaged in sugar cultivation in the East. I have copied a few of the statements which appeared in the *Times*, of the last intelligence received by the overland mail, showing the ruinous effect of our sugar duty policy on the cotton trade of England. From these statements it appears that in 1846-47, when the sugar cultivation was flourishing, Calcutta took 1,890,000 pieces of shirting; while in 1847-48, the quantity was reduced to 1,071,000, showing a decrease of 810,000 pieces. In jacconets the decrease was 165,000 pieces, in cambrics 134,000 pieces, showing in all a decrease of upwards of 1,100,000 pieces. In mule twist the decrease had been 5,500,000 lbs. on an export of 16,000,000 lbs. It had been said that this was of little consequence, as the manufacturers of England look to Europe as their best market.

[*Extract from the Times.*]

Comparative IMPORTATION of Shirtings, Jacconets, Madapolams, and white Cambrics, into Calcutta in 1846-7 with 1847-8.

PIECE GOODS.

	Pieces.
1846-7	3,834,847
1847-8	2,729,994
	Decrease, 1,104,853

MULE TWIST.

	lbs.
1846-7	16,364,952
1847-8	10,863,687
	Decrease, 5,501,265

IMPORTATIONS, Calcutta, May 8, 1848.

SHIRTINGS.

	Pieces.	Pieces.
1846-7 . . .	1,890,220	
1847-8 . . .	1,071,222	
		Decrease, 818,998

JACCONETS.

1846-7 . . .	1,145,373	
1847-8 . . .	979,459	
		Decrease, 165,914

WHITE CAMBRICS.

1846-7 . . .	649,192	
1847-8 . . .	514,376	
		Decrease, 134,816
		Total Decrease, 1,119,728

MADAPOLAMS.

1846-7 . . .	150,062	
1847-8 . . .	164,937	
		Increase, 14,875
		Net Decrease, 1,104,853

But I find that in 1845 the exports to the British colonies as compared with those to Europe, and those to the other three quarters of the globe, exclusive of Europe, stand at the head of the list, the comparison being as follows :—

EXPORTS in 1845.

Cotton, Linen, Woollen, and Silk Manufacture, exclusive of Yarn:—

British Colonies	£11,581,564
Europe	11,131,264
More to the Colonies . .	£450,000
Asia, Africa, and America, exclusive of British Possessions	£10,810,477
Total Exports of the above manufactures	£33,523,305

YARN.

Europe	£8,036,151
Rest of the world	1,054,575
Total .	£9,090,726

I have received from Mr. Burn, the editor of the *Commercial Glance*, a statement of the value of the manufactured goods exported to Europe (including Egypt) compared with those to the British colonies, and made up to the 24th of June. It has been alleged that all the distress in our own manufacturing districts arises from the disturbed state of Europe; and when reference is made to the falling-off in our exports, and to the decay of our commerce, under the free-trade system, hon. Gentlemen get up and exclaim, that their only surprise is, that things are not worse. Now, the following figures show the real facts of the case :—

Calicoes Plain and Printed, and Cotton Yarn, exported to Europe with Egypt, to the British Colonies, and to all Parts, up to the 31st of May.

Europe with Egypt.	1847. Yards.	1848. Yards.		Yards.
Calicoes, plain...............	51,962,144..................	81,231,200......	Increase,	29,269,056
Ditto, printed	45,592,664..................	50,155,159......	ditto...	4,562,495
	lbs.	lbs.		lbs.
Yarn..........................	24,967,455..................	30,701,930......	ditto...	5,734,475

So that, on every one of these heads of manufacture, notwithstanding the disturbed state of the Continent, so far as the Continent of Europe is concerned, there has been a large increase of exports. And now let us look how the matter stands as regards the transmarine possessions of the British Crown. There were exported in the corresponding period of 1847, to the British colonies—

British Colonies.	1847. Yards.	1848. Yards.		Yards.
Calicoes, plain	183,407,640	125,492,056	Decrease,	57,915,584
Ditto, printed	80,486,087	65,332,030	ditto...	15,154,057
	lbs.	lbs.		lbs.
Yarn................................	14,778,113	7,285,774	ditto....	7,492,339

Now, Sir, I think I have shown, that you are suffering not so much from the disturbed state of Europe as from the ruin of your own colonies. If the Continent does not take so much of your manufactures as before, I fear it is in some respects to be attributed to the fact that you have let your capital go to the Continent, and have thus enabled the foreign manufacturers therewith to carry on their own manufactures. But let me remind you, if the disturbances on the Continent have been a bar to the exportation of British manufactures, *à fortiori*, would they be a bar to the exportation of raw produce. Let us see, then, how the exportations of raw materials show in this comparison. The exportations of raw cotton to Russia, in the first six months of the last four years, have been as follows:—

PORTS.	1845.	1846.	1847.	1848.
	lbs.	lbs.	lbs.	lbs.
Cronstadt	805,280	3,542,896	2,192,400	4,442,800
St. Petersburgh.	4,812,528	2,491,664	2,253,440	8,672,269
Riga............	92,288	69,260	94,360	507,092
Wyburgh........	....	....	4,200	6,511
	5,710,096	6,103,820	4,544,400	13,628,672

The material of cotton manufactures has been trebled in the present year as compared with the last; this would not make it appear that disturbances on the Continent—at all events, so far as Russia is concerned—were any bar to the importation into that country of raw cotton. In Belgium there is a very trifling decrease—a decrease of 60,000 lbs.—in the exports of raw cotton to that country in this year as compared with 1847; but comparing it with the year 1846, there is an increase of 300,000 lbs. Now, I wish to show to you in illustration of that argument so ably brought forward by my hon. Friend the Member for Paisley (Mr. Archibald Hastie) the other night, as to what would be the consequence to your manufacturers here if you ruined your British colonies, and how the increased consumption of the produce of Brazil and of Cuba would afford no security to you, that the exportation of your manufactures would be increased in like manner. How just was that hon. Gentleman's statement on that subject! But it was hardly necessary for my hon. Friend to have had recourse to that statement, because the hon. Member for Manchester, when he complained the other night of a breach of faith on the part of the Government, told you that those who had sent their ships to Brazil and to Cuba for sugars suffered no little hardship, and had no slight cause of complaint in this, that a great part of those ships went out in ballast. So that when you send out your ships to bring home sugars from Brazil and Cuba, they go in ballast; but send them out to the West Indies and your own colonies, and they carry out nearly as much in value as they bring back. Now, I have a statement here of the importations of plain calicoes in 1846 and 1848, into the Brazils, Cuba, and the British West Indies, and I find that you exported as follows:—

Calicoes, Plain and Printed, exported to Brazils, British West Indies, and Cuba, from 1st January to 24th June, in each year.

CALICOES, PLAIN.

	Brazils.	B. W. Indies.	Cuba.
	Yards.	Yards.	Yards.
1846...	25,618,811 ...	7,029,132 ...	2,575,524
1848...	20,668,171 ...	5,788,089 ...	2,059,428

CALICOES, PRINTED.

	Brazils.	B. W. Indies.	Cuba.
	Yards.	Yards.	Yards.
1846...	17,665,083 ...	7,657,290 ...	3,568,040
1848...	14,420,391 ...	4,244,310 ...	2,846,231

But you said that Antigua and Barbadoes were not suffering in the same degree—that the Creoles were in the most flourishing condition—in a condition, in fact, superior to that of the peasantry of all other countries. And so they were up to the period of this Act of 1846. But what is said to be their state now? They are ground down to wages of 5½*d.* and 6*d.* a day, and are no longer that happy and prosperous peasantry; and in nothing is this more apparent than in a comparison of the exportation of calicoes, in corresponding periods, to Barbadoes and Antigua. I find, then, that you exported to Antigua—

Calicoes, Plain and Printed, exported to Antigua, Barbadoes, and St. Kitt's, from January 1st to June 24th, in each year.

CALICOES, PLAIN.

	Antigua.	Barbadoes.	St. Kitt's.
	Yards.	Yards.	
1846	67,003	888,678	Nil.
1848	34,607	278,687	Nil.

CALICOES, PRINTED AND DYED.

	Antigua.	Barbadoes.	St. Kitt's.
1846	66,234	953,243	Nil.
1848	24,364	96,270	Nil.

Now, can anything prove more clearly the position laid down by the hon. Member for Paisley the other night, when he said—

> "If you increase the produce of your own colonies—if you take more of the produce of free men—they will take all the more of your calicoes and your cottons; but a slave does not wear a rag the more for all the produce of his labour which you may purchase from his hard task-master. He does not get the reward of his hard labour; and though he may perchance be indulged with an additional red herring—with a little more of the yam or the banana—he more probably receives a little more of the whip."

I hope, therefore, that the warning voice of the hon. Member for Paisley will not fail to be heard in the manufacturing districts of this country.

I have here a statement, showing the contrast of your exportations of manufactures and of the raw materials of them. I find that of cotton manufactures you exported as follows:—

Exports of Manufactured Goods and Raw Materials, for Five Months, ending the 5th of June.

	1846.	1847.	1848.
Cotton manufactures ...	7,525,023*l.*	7,726,107*l.*	6,895,963*l.*
Ditto yarn ...	2,901,204	2,924,665	1,836,467
Cotton wool .	243,090	147,248	151,705

So that, while in cotton manufactures, there has been a decrease in 1848, as compared with 1847, of $17\frac{7}{8}$ per cent, and on cotton yarn a decrease of 12 per cent, there has been, of raw materials, an increase of 3 per cent. With respect to silk manufactures the disturbances in France have prevented the manufactures of that country from going on; and I hope there is some gleam of sunshine from that circumstance dawning on the silk manufactures of this country. But still the fact as to silk manufactures is something of the same kind as what I have read respecting the rest. I find that, as regards silk manufactures—

Exports for Five Months to 5th June.

	1846.	1847.	1848.
Silk manufactures...	349,433*l.*	404,502*l.*	212,823*l.*
Raw silk, lbs.	149,544	200,146	110,861
Silk manufactures of Europe, namely, manufactures, ribbons, gauzes, velvets, (value estimated at 3*l.* sterling for every lb. in weight)	505,344	618,738	779,082

So that, while the falling-off in the export of this class of your manufactures has been 53 per cent, in 1848, as compared with 1847, the falling-off as regards the raw material of the same has been less, namely, 45 per cent, whilst your importation of foreign manufactures has increased a fraction only under 26 per cent. Again, as regards woollen manufactures and wool, I find the exports to have been as follows:—

	1846.	1847.	1848.
Woollen manufactures..	2,445,443*l.*	2,767,719*l.*	2,021,836*l.*
Do. yarn......	277,000	342,849	250,816
Wool, sheep or lambs, foreign and colonial, lbs.	1,052,195	745,393	2,650,224

Thus, whilst your woollen manufactures present to you a decreased export trade of 27 per cent, and woollen yarn a decrease of 15 per cent, an increase of your exportation of foreign and colonial wool stares you in the face to the astonishing amount of 255 per cent.

It is not, therefore, in the disturbances on the continent of Europe that the real cause of this great decay is to be found. The cause of this decay is to be found in your British possessions, which you have been bringing to ruin by your anti-colonial policy.

Having, then, shown you the decay you have brought upon your colonies, I must revert once more to the position of India, which has not been sufficiently discussed in this House. Indeed, I am not sure that, with the exception of the right hon. Gentleman the Member for Harwich, any Gentleman has, in the course of these debates, ever touched on that part of the subject. But the effect of your legislation has been that, instead of India paying her tribute to you in the produce of India, she has paid you in silver in the rupees of that country. At the time of the report of the Committee, we had information that the East India Company had been obliged already to remit half a million of rupees. At the recent meeting of the proprietary of the East India Company, to which I have already referred, the present Chairman said how important it was to develop the resources of India, and that, if the recommendation of the Committee on West India affairs were not attended to, and the differential duty established, a blow would be struck at the resources of India from which they might not easily recover. I trust, therefore, that the noble Lord, who spoke so strongly some weeks ago on the value of the British colonies, will lay this statement to his heart, that we have it from the Chairman of the East India Company—

> "That, unless a duty of 10*s*. between British and foreign sugar be adopted, a blow will be struck at the resources of India which she will not easily recover."

The Chairman of the East India Company, at the same meeting, stated further—

> "That it would not only be a hardship to the East Indies and to the Company, but to the enterprising individuals who had sent their capital there, and invested it in machinery, on the faith of the promises of the Government. It would be a loss of great importance to this country, as well as an infliction of great injustice to thousands of natives employed in the cultivation of sugar in India."

I confess I much wish that the late Vice President of the Board of Trade could hear these statements, because such is his extravagant notion about the advantages of cheap sugar that he seems to think that it would be an advantage to the natives of India, whose great staple production it is, if we could make sugar cheap in Bengal, by putting an end to the demand of it for consumption in England, and ceasing to buy it from the natives of India for exportation to this country. The hon. Chairman proceeded to say—

> "It would not only be a hardship to the East Indies and to the Company, but to the enterprising individuals who had sent their capital there, and invested it in machinery, on the faith of the promises of the Government. It would be a loss of great importance to this country, as well as the infliction of a great injustice on the thousands of natives employed in the cultivation of sugar in India. It was hardly necessary for him to say that this was a question of great importance as regarded the remittances also. Of the 5,000,000*l*. sterling to which these remittances amounted, 1,500,000*l*. came from sugar; and if something was not done to relieve the sugar interest from its present condition, that source of remittance must fail, and they must have recourse to large exportations of bullion from India to make up the deficiency."

Another East India proprietor, Mr. Fielder, observed—

> "That, after having fought the battles of this country, and after having incurred immense expenditure to carry on her iniquitous wars, England now stepped in to deprive the East Indies of that protection under which the sugar trade had risen and flourished."

Mr. Strachan, who was also a proprietor, stated at the same meeting—

> "That with respect to the sugar trade, the East Indies had been most unjustly treated; that this question affected the interest of every man deriving his income from India; that it was plain the remittances from that country would soon have to be made in bullion; and that, in proportion as remittances were reduced, so would the incomes of the East India proprietors be reduced."

But the interests of the Mauritius were closely connected with those of the East Indies. The sugar cultivation of the Mauritius was carried on by Coolies, who were fed upon rice imported from the East Indies; and I find that the value of the rice imported from the East Indies to the Mauritius amounted to 200,000*l*. a year, and this rice is paid for in bills drawn against sugar exported to England, thus affording another mode of remittance of so much of India's tribute to England.

In answer to the assertion that the Mauritius had not been ruined by the Act of 1846, I might refer to the despatches of Sir W. Gomm, from which it appeared, that up to the month of June last year, there had been a general amelioration in the commercial condition of the colony; that the fair prices which colonial produce obtained in this country were encouraging persons in every branch of business to resort to the colony; that the value of the exports during one month had been 312,500*l*.; and that the quantity of sugar exported of the crop of 1846-47 in the year had been 66,000 tons, being 15,000 tons more than the exports of the preceding year. The House was, unfortunately, too well aware of the state of absolute ruin to which the Mauritius had been reduced by the Act of 1846, and the consequent large importations of slave-labour sugar into this country. But I will ask hon. Gentlemen to contrast the condition of the Mauritius with that of the sister colony—the Isle of Bourbon. Accounts, dated the 13th of April, represented the Isle of Bourbon to be in a most flourishing condition: and what must be the feelings of the French inhabitants of the island, who numbered 23,000 persons, when they contrasted their own position with that of this neighbouring island? Immediately after the capture of the Mauritius by the English forces, the British General issued a proclamation, declaring—

> "That the inhabitants should have the means of disposing of their merchandise on the most favourable terms, and should enjoy all the advantages of other British colonies."

But, till 1825, the inhabitants of the Mauritius did not enjoy these advantages. In 1835 they were deprived of their slaves; and in 1843 this country exposed them to competition with the slave producers of foreign States. Why, the colonies of France, although they could compete by slave labour against the slave labour of other countries, enjoyed a protective duty of more than 10*s*. a cwt. upon their sugar.

Sir R. Farquhar, addressing the House of Commons, in 1825, declared—

> "That, whenever the case of the Mauritius was brought forward, it would be found to be the most cruel case that ever was submitted to the House of Commons. He (Sir R. Farquhar) asked, very justly, what co-operation could be expected from colonists to whom pledges had been given on the part of this country which had never been fulfilled?"

Lord Wellesley also stated, in his despatches, when pressing upon the British Government the necessity of making a desperate effort to capture the Mauritius—

> "That the French privateers from the Mauritius alone had captured British property to the value of 4,000,000*l.*"

I might here mention, that I have been assured by persons residing in the Mauritius about the period of slave emancipation, that such was the discontented feeling of the French colonists, and the alarm of the Governor, Sir W. Colebrook, that he never sat down to dinner without a guard of forty soldiers in his ante-room. Now, I will put it to the House whether, considering the importance of the Mauritius, as the key to our East Indian possessions, it was prudent to exasperate the French colonists, who were nearly twenty times more numerous than the English, by withdrawing from them the protection they saw enjoyed by the sister colony of Bourbon, and driving them to court a restoration of their French connexion with a view to seek the French market, where they would have a monopoly which they did not possess in the markets of this country?

To look at the question in another point of view—let me ask, how does the right hon. Gentleman the Chancellor of the Exchequer think the revenue from the colonies is to be maintained when you have ruined the produce which they have to send to this country?

But I must now come to the consideration of the financial part of this question; and, although I shall avoid as much as possible entering upon the discussion of the budget, yet I cannot avoid it altogether, since the right hon. Gentleman the Chancellor of the Exchequer has thought fit to bring, head and shoulders, into these discussions, a third budget. While the noble Lord at the head of the Government is complaining that this debate is protracted, his right hon. Colleague the Chancellor of the Exchequer has brought into it a new element which cannot fail to create further delay. The noble Lord and the Chancellor of the Exchequer have again repeated, as if anything could be proved by mere repetition, the statement they made the other night, that the recommendation of the Committee would lose 960,000*l.* to the revenue. The right hon. Gentleman the Chancellor of the Exchequer thought fit to comment on the resolutions which were rejected in Committee, and for which I was responsible, and which were supported by Sir John Pakington, by Sir E. Buxton, by Lord G. Manners, by Mr. Hope, and by Mr. Miles—and in making that comment the right hon. Gentleman said "that no man in his senses could believe that there would be an increase to the extent of anything like 30,000 tons in the consumption during the year commencing on the 5th of July, 1848, and ending 1849." But, Sir, I believe that no man in his senses who has at all considered the subject can believe that in the same period the consumption can be so little as 289,000 tons; and unless they believe that, I know not on what pretence the noble Lord and the Chancellor of the Exchequer—unless I excuse them on the score of ignorance—presume to say that there can be a loss to the revenue of 960,000*l.* should that recommendation of the Committee be carried into effect.

LORD J. RUSSELL: I did not say so. I said the first loss would be 960,000*l.* and the second loss 720,000*l.*

LORD G. BENTINCK: What does the noble Lord mean by "the first loss?" Loss and gain to the revenue must be estimated by reduction or increase in the consumption of sugar. The noble Lord is not so wanting in candour and frankness as not to admit that while he takes credit to himself for 20,000 tons of increased consumption by the Government plan, a greater consumption would be produced by our proposal? The great difference between the proposal of the Committee and that of the Government is, that the first makes a sensible difference to the consumer of ½*d.* per lb., while the reduction of the noble Lord is so small that it could not be felt in the weekly payments of the poor. The average consumption of poor families, taken at 23½ lbs. per head per annum, and the number of persons in each family at from four to five, amounts to 2 lbs. of sugar a week. And, supposing, that half the reduction we propose went into the pocket of the producer, and the other half were saved to the consumer, our reduction would amount to a saving of a halfpenny to every poor family on each week's consumption of sugar; and that would be a large reduction. The Government has no reduction whatever to show that can be measured by even the lowest denomination of coin. Therefore the noble Lord cannot pretend that his proposal would cause an increased consumption by that stimulus which arises out of a lowered price. But when the Chancellor of the Exchequer comes to consider the effects of his measures upon the supply and upon the stocks in hand, he shows an ignorance of the whole sugar trade such as was never before displayed in this House of Commons. The right hon. Gentleman says — he understands—that the stocks available of British colonial sugar for the consumption of the year 1848-9 will be about 300,000 tons; but I shall presently prove to the House that his calculations are totally incorrect. I must also say that the calculations of the hon. Member for Liverpool (Mr. Cardwell), and of the right hon. Member for the University of Oxford (Mr. Gladstone), show little acquaintance with the subject, when they calculate the loss to the revenue at what they have stated. The right hon. Gentleman the Chancellor of the Exchequer seems to imagine that they can make a clean sweep of all the stocks of sugar in this country; and that we shall have a supply of 240,000 tons of sugar, and a stock on hand of 65,000 tons, or, as is now the case, of 76,000 tons; but there is not a man in the whole sugar trade will bear out that calculation. For the last five years the lowest stock on hand on the 5th of July was 45,100 tons; and in proportion as the consumption increases it is necessary that the stock should likewise be kept up. The right hon. Gentleman calculates that he shall have a consumption of 310,000 tons; and, *à fortiori*, if the recommendation of the Committee were adopted, the Committee will also have 310,000 tons. But my belief is, and I can show good reasons for the supposition, that if we were to reduce the duty on colonial sugar $\frac{1}{2}$*d.* per pound (which would be the effect of the recommendation of the Committee), the consumption would come up to 325,000 tons in the year ending the 5th of July, 1849. But I will assume that the right hon. Gentleman is right, and that the 310,000 tons is the total amount that will be consumed. That granted for argument sake, it becomes necessary to examine into the probabilities of importation and into the state of stocks. And when the hon. Member for Liverpool argues that the Government would lose 368,000*l.* by their project, on the ground that there will be 240,000 tons of British sugar consumed, the hon. Member is arguing against his own recorded conviction. One of the resolutions proposed by Mr. Goulburn, and supported by the hon. Member for Liverpool, was as follows:—

> "That many estates in the British colonies have been already abandoned, and that many more are now in course of abandonment, and from this cause a very serious diminution is to be apprehended in the total amount of production."

And then he goes on to say—

> "That the first effect of this diminution will be an increase in the price of sugar, and the ultimate effect a greater extension to the growth of sugar in slave countries, and a greater impetus to slavery and the slave trade."

But you cannot have your cake and eat it too—you cannot abandon your sugar plantations and have your sugar too; and if the hon. Member be right—and there is no doubt be is right—" that many estates have been already abandoned, and that many more will be abandoned"—where is he to get a supply of 240,000 tons of colonial sugar? Upon the best estimates I have been able to make, after the most mature consideration, and after great deliberation with those who are held to be the highest authorities on the subject, I have come to the conclusion that, in the year 1848-9, commencing and ending on the 5th of July, there cannot be expected from the British West Indies more than 120,000 tons; from the Mauritius 35,000 tons; and from East India, 46,000. Let us see how this calculation is borne out by facts. The latest advices state that there has been a falling-off of 150,000 tons in the shipments from the Mauritius; and, with regard to the importation, it must not be forgotten that the greater part of the exportation from the Mauritius has already arrived, and is no part of the supply of the year 1848-9, commencing on the 5th of July. The accounts from Calcutta state that in the month of February the exports were 34 per cent less than the corresponding period of last year. It is true that there is a trifling increase in the imports from East India up to the present time; but the imports already received from East India have not been affected by the late and present ruinous state of prices. Those supplies are sent upon orders which went out twenty-three months ago. This sugar is purchased and must come home, whatever the loss. Let us, however, examine into the state of the further supply. The whole question turns, as far as revenue is concerned, upon whether the supply is derived from colonial or slave sugar, the duty on one being 20*s.*, and on the other 13*s.* by the Government plan, and 10*s.* by that of the Committee. The entire stocks of sugar in Europe in January last was 145,000 tons, against 110,000 tons in the year previous. But, on the 1st of June, the entire stocks in Europe were 150,000 tons this year, against 120,000 tons last year; 115,000 tons in 1846; 93,000 tons in 1845; 70,000 in 1844; and 85,000 tons in 1843. The stocks of sugar on the Continent were, therefore, larger on the 1st of June than was ever before known in the history of Europe; and there can be no doubt but that there will be an ample supply of foreign sugar, though the supply of foreign sugar in this market is not so great as it was last year. But now let us look at the stocks in England. My speculation in drawing up the report was, that on the 5th of July there would be about 65,000 tons of British colonial sugar in stock. I find that the stocks on the 1st of July, 1848, of British colonial sugar were 76,510 tons, against 73,178 on the 1st of July, 1847, showing an increase of 3,332 tons. But, from the best information I can obtain, there was a decrease in the deliveries in June and part of May, consequent on the expectation that there would be a reduction at least of 1*s.* per cwt., if not of 4*s.* It is shown by all the sugar circulars of the day that from the 22nd of May there was a rise in British possessions sugar of 2*s.* to 3*s.* per cwt., in consequence of a belief that the Committee would recommend a differential duty of 10*s.* and that that recommendation would be adopted. The consequence was, that there was one of the shortest delivery in June and the latter part of May lately on record. Therefore, I have a right to assume that there are at least 11,000 tons stock of colonial sugar, constituting a part of the stock of 76,000 tons, artificially created by the suspension of trade arising out of the pending legislation on this subject. If that point be granted, it will be admitted that, though nominally 76,000 tons, the stock is virtually only 65,000 tons. But that stock has been further increased by the adventitious circumstance that in the month of June there was a prevalence of strong westerly gales and fine weather, which brought us a most unusual supply, amounting to 23,000 tons of West India sugar alone. But in proportion as that supply came early to hand by quick voyages, so it will diminish the supply of the year beginning the 5th of July, 1848, and ending 1849. I find, however, that while on the 1st of July there was an increase of 3,332 tons in the stock of colonial sugar, there was a decrease of 4,198 tons in the stock of foreign sugar, being 42,413 tons in 1847, against 38,215 in 1848; the whole stock, foreign and colonial, being 114,725 tons against 115,591 tons in 1847. But now we come to the question of supply. The Chancellor of the Exchequer stakes his financial reputation that it will amount to 240,000 tons of colonial sugar in the year commencing July 5, 1848-9. The right hon. Gentleman said, that no man in his senses could have made the prediction which I made; but I beg now to retort that no man in his senses would believe that 240,000 tons of British colonial sugar will come into consumption in the year 1848-9. Let it be borne in mind—and I hope the House will never forget it—that we are not discussing the year ending the 5th of July, 1848, but the year ending 5th July, 1849. The importation of the year just ended has not been operated upon by your ruinous policy. The sugar had been grown and must come home, whether it sells well or ill for those who have produced it. There will be no more crops grown upon those expectations; and the falling-off in the last six months is no test of what the falling-off will be in the next twelve months. But what is the falling-off? The imports of sugar into this country from the 1st of January to the 1st of July, 1847, were 142,248 tons; while in the same months in 1848 they have only been 113,536, being a falling-off of 28,712 tons in the first half-year of 1848, which is not to come into the consideration of the current year's supply, ending 5th of July, 1849. But where is this falling-off? There is an increase of 20 tons on the East Indian sugar which left Calcutta before the reduction was known there. The falling-off in the imports is entirely in West India and Mauritius sugars, the decrease on the former being 15,068 tons, and on the latter 13,664 tons. If this calculation be well founded, the importation will not exceed 200,000 in the year 1848-9. With a stock nominally 76,000 tons, but virtually only 65,000 tons, the whole supply would be 265,000 tons. What man, then, in his senses, who knows anything of the sugar trade, can believe that he will have 240,000 tons of British sugar at his disposal next year; the lowest stock on record being 45,700 tons. If I be right, and you reduce your stock even to 45,000 tons, and assuming that the nominal stock is only 65,000 tons, that will leave only 220,000 tons available. Supposing, however, that you reduce your stock still lower by 5,000 tons, which is far below the lowest on record, you will still have only 225,000 tons of colonial produce available. This calculation, at any rate, must form the basis for our calculation of revenue, if we wish to approximate to anything near correctness.

I come next to the question of how far we are justified in assuming that there will be this increased consumption. The right hon. Gentleman has said, that no man in his senses could calculate on an increase of anything like 30,000 tons. Now we will see if he is right. In the three years, 1845, 1846, 1847, the average increase of consumption has been 28,000 tons. There was a fall of 11*s.* 9*d.* in 1845; there was no fall in 1846; and in 1847 there was a fall of 6*s.* in price, making an average fall in the three years of 5*s.* 11*d.* The right hon. Gentleman shakes his head, but I believe he knows very little about the matter.

The CHANCELLOR OF THE EXCHEQUER said, that that statement did not give a fair view of the effects of reducing the duty.

LORD G. BENTINCK: I have given a great deal of study to the subject, and I venture to predict that any estimates I may make will be better founded than those of the Chancellor of the Exchequer. There was then an average fall of 5*s.* 11*d.*, and an average increase of 28,000 tons. But there is a fall in the present price, as compared with last year; of 4*s.* 8*d.*; and if 4*s.* be added for the reduction of duty on three-fourths of the sugar consumed—(and supposing half went into the pockets of the planter, as there is every reason to believe it would have done, inasmuch as there was no sooner a credited rumour of an alteration, than the price of slave-grown sugar fell 1*s.*, and that of colonial rose 2*s.*, the effect being to bring the nose of the slave-holder to the grindstone, and compelling him to reduce his profits, and making him sell his sugar cheaper)—and supposing we take it half-way between the fall in the one and the rise in the other, that would create a further reduction of 2*s.* per cwt., in price, giving 6*s.* 8*d.* reduction on the whole, which is a greater reduction than has taken place on the average in the last three years. Besides this, the quantity consumed being greater, the average of 28,000 tons increase on the consumption of the last three years ought to be still further increased. But that is not the only ground for suspecting an increased consumption. We have the consumption of the first quarter of a year when there was great distress, and that quarter gave a consumption of 74,000 tons. We have seventeen years' experience to guide us, and on an average consumption of 49,848 tons in the first quarter of the year, experience shows an increase on the last three quarters, on the promise of the first quarter of 19,081 tons. If the average of seventeen years gives an excess on the consumption of the first quarter of 19,000 tons, it does not require any great stretch of speculation on a quarter's consumption of 74,000, to suppose an increase considerably over that of 19,000 tons. But if we reckon it at that ratio only, we get an increase to 310,000 on the year.

Some observations were made the other night by hon. Members not now present—the hon. Member for Dover, and the hon. Member for Liverpool—on the falling-off in the consumption in the last month, and in part of the month of May. It is most true that there is that falling-off; but, at the same time, the consumption in the month ending the 5th of June, of British sugar was 25,599 tons, which, being multiplied by 12, gives 307,188 tons per annum. But though it be true that there was a decrease in the consumption of sugar in the five months ending the 5th of June last, as compared with the corresponding period of last year, there was concurrently a great increase in the consumption of molasses, which, as hon. Members well know, is part of the produce of the sugar cane; and, as far as the revenue is concerned, fills the pockets of the Chancellor of the Exchequer as well as sugar itself. In the five months ending the 5th of June, there was an increase in the consumption of molasses of 52,211 cwts., or 2,611 tons. Molasses pay a duty of 5*s.* 3*d.* per cwt., and the 2,611 tons of molasses brought in as much revenue as 995 tons of sugar would have done. Consequently, against a fall of 859 tons of sugar there was an increase in molasses which equals 995 tons of sugar. Therefore, as far as revenue is concerned, the revenue will be increased in the first five months of this year as compared with the first five months of last year. The fact of the matter is, that colonial sugar, as well as foreign sugar, have been of late kept back. I have been told, that within two days in the present month, that is, within the 7th and 8th inst., somewhat more than 20,000 tons of foreign sugar have paid duty; and the estimate of the trade is, that independent of these 20,000 tons of foreign sugar which have paid duty at 18*s.* 6*d.*, 143,840 tons of sugar have been entered for home consumption up to the present time. If, then, you add the 20,000 tons upon which duty was paid within the two days after the end of the half year, you will find that the sugar which has paid duty up to the 8th of July was 163,840 tons; but if to that you add the consumption of molasses, it will give a consumption for the year of 330,068 tons. I do not say, that the whole of the 20,000 tons released on the 7th and 8th of July would have paid duty but for the advantage of 1*s.* 6*d.* per cwt.; but, on the other hand, I contend that an amount equal to one-half of it has been kept back in colonial sugar waiting for the reduction of duty on colonial sugar to 13*s.* Therefore, to say that the consumption of the last two months is to be taken as the usual consumption, is to argue upon a very erroneous and mistaken idea.

I think, Sir, I am justified in calculating that 310,000 tons at the least will be consumed in the year ending the 5th of July, 1849, even under the plan of the Government, and that not more than 225,000 tons will be British. By the proposition of the right hon. Gentleman the Chancellor of the Exchequer, he anticipates a revenue from sugar of 4,625,000*l.*; but by the plan of the Committee, the revenue would amount to 3,950,000*l.* It is, however, necessary to state that the scheme of the Committee does not provide for those reductions which the right hon. Gentleman expresses his intention to allow. The right hon. Gentleman is to give a loan of 500,000*l.*, a reduction of duty on rum amounting to 70,000*l.*, and an advantage to distillers, who are to be allowed in future to pay duty on their spirits when they come into consumption, instead of making prompt payment at the worm's end. This advantage, I understand, is to be given to the distillers, and being reckoned by them as equal to one halfpenny a gallon, on 20,700,000 gallons, would cost a further sum of 40,000*l.*, which, added to 70,000*l.*, the reduction of duty on rum, makes up 110,000*l.* There is then to be added the loan of 500,000*l.*, and thus we shall have, according to the plan of the right hon. Gentleman, deductions to the extent of 610,000*l.* The plan as proposed by the Committee did not provide for any of those reductions; and thus, in point of fact, their proposal would have yielded the revenue within 65,000*l.* as large a sum as that which the right hon. Gentleman anticipates from his plan, whilst it would have given much more efficient relief to the planters, and cheaper sugar to the people of this country. The proposition of the hon. Gentleman the Member for Manchester (Mr. Bright) would prove the most advantageous for the revenue, because he does not contemplate any loan or any advantages to be given to the distillers. By his scale of duties he would raise 4,722,000*l.*, or 127,000*l.* more than the right hon. Gentleman the Chancellor of the Exchequer.

My own proposition was the imposition of an *ad valorem* duty of 26½ per cent on the long price of British sugar, and 53 per cent upon foreign sugar. Assuming the present price of 25*l.* per ton, and assuming that, which has been already clearly demonstrated, that the average of foreign sugar imported into this country is 2*l.* 10*s.* per ton higher in value than the average of British sugar, the result of my proposition would be, that an *ad valorem* duty would produce a sum total of 4,195,000*l.* And here, Sir, I must take leave to say that my proposition was not accompanied by any of the drawbacks which are to accompany the plan of the Chancellor of the Exchequer, and that if carried into effect, it would prove, as far as revenue is concerned, much less costly than the plan of Her Majesty's Government. The revenue derivable from sugar, as anticipated by the right hon. Gentleman, is 4,625,000*l.*, but deducting the loan of 500,000*l.*, the 70,000*l.* loss upon rum duty, and the 40,000*l.* or a halfpenny per gallon on 20,700,000 gallons of spirits, there would be only 4,655,000*l.* by the Chancellor of the Exchequer's plan against a revenue of 4,195,000*l.* by my *ad valorem* plan. But, Sir, let us examine and contrast the practical working of the different plans as time works on. In the year 1851-52, the Chancellor of the Exchequer's duty on British possessions' sugar will have worked down to 10*l.*, and his duty on foreign sugar to 15*l.* 10*s.* Assuming, then, that the consumption remains 310,000 tons, of which 225,000 shall be British, and 85,000 foreign—

	Tons.	£
By the Committee's plan, the revenue obtained will continue to be .		3,950,000
By Lord George Bentinck's *ad valorem* plan it will continue . .		4,195,000
By the plan of the Chancellor of the Exchequer it will only be . .		3,457,500
Namely—British possessions at 10*l*.	225,000	2,250,000
Foreign sugar at 15*l*. 10*s*.	85,000	1,317,500
		3,567,500
Less rum duties, &c. . .		110,000
		£3,457,500

Permit me, Sir, to go one step further, and contrast these schemes in 1854-55, when the Chancellor of the Exchequer's plan will have worked down to even duties on all sugars, British and foreign. And I will first assume the consumption to remain stationary at 310,000 tons; and next I wlll contrast the working of the three plans, assuming the speculations of the *Economist* to be correct, and that the consumption rises to 400,000 tons a year, of which I estimate that 290,000 might be British, and 110,000 tons would be foreign.

1854—1855.

	£
Lord George Bentinck's *ad valorem* plan, as before	4,195,000
The Committee's plan as before .	3,950,000
The Chancellor of the Exchequer's plan, namely, 10*l*. per ton promiscuously on 310,000 tons of sugar, without reference to origin, and deducting 110,000 on account of reduction of rum duties and relaxations to grain distillers . .	2,990,000

1854—55.

	British.	Foreign.
Consumption assumed to be 400,000 tons, namely .	290,000	110,000
Lord George Bentinck's *ad valorem* plan—		
British.	£	£
290,000 at 10*l*. 6*s*. 8*d*.	2,996,666	5,416,666
Foreign.		
110,000 at 22*l*.	2,420,000	
Committee's plan—		
British.	£	
290,000 at 10*l*.	2,900,000	5,100,000
110,000 at 20*l*.	2,200,000	
Chancellor of Exchequer's plan—4,000,000 tons of sugar of all sorts, at 10*l*. 4,000,000*l*.; less rum duties, &c., 110,000		3,890,000

Now, Sir, with respect to this proposition of mine, I must say that, in my opinion, the day will come when this House must adopt a measure somewhat similar to that which I have proposed. The right hon. Gentleman the Chancellor of the Exchequer knows well the unfairness of the existing duties, and the proof of it is to be found in the circumstance that colonial sugar is now in his possession, which has been left upon his hands for non-payment of the duty of 14*s*., British merchants having actually abandoned to the Government parcels of low British plantation sugars, rather than take it out of the docks, paying the British duty of 14*s*. upon it. The direct tendency of a fixed duty is to discourage the production of sugar, to discourage the employment of shipping, and to discourage the trade of the refiner. The effect is, moreover, greatly to injure the planter, because it obliges him to employ skilled labour, which is the most difficult to be obtained in the colonies; but, more than all, the principle of a fixed duty, as compared with an *ad valorem* duty, is unjust to the poor of this country. You who talk about cheap sugar for the poor see how your professions will be realised. I perceive that the hon. Gentleman the Member for Manchester (Mr. Bright) laughs; but I will make it clear to him and his friends, who upbraid the protectionists for seeking to make sugar dear, that it is not we who have attempted to make sugar dear to the poor, though we have not been in the habit of deluding the poor by "doing them mere lip service." We were the men who really worked to uphold the interests of the poor—we were the men who made the proposal which would have given "cheap sugar" to the poor man. Ours was the only practical proposition ever made to Parliament to give "cheap sugar" to the poor man.

I think I shall be able to show very clearly that, notwithstanding the pretended anxiety evinced for the poor man by hon. Gentlemen opposite, that the proposition of the hon. Gentleman the Member for Manchester would have the effect of making the "poor man's" sugar dearer than it would be by the plan of the Committee, and far dearer than it would be by the *ad valorem* scale of duties which I had the honour to propose, and which received the support of all the Protectionist Members of the Committee, and was defeated by the Government and the free-traders. If hon. Gentlemen will refer to the reports, pages 17 and 18 of the white book, and pages 19 and 20 of the blue book, they will find that I proposed to give the poor man sugar at a cheaper rate than either the hon. Member for Manchester, or the right hon. Gentleman the Chancellor of the Exchequer. If they will turn to those reports they will find that, taking the lowest quality of sugar coming into consumption, and taking the higher quality, especially slave-grown sugar, consumed by the rich, that the price would stand at 23*l.* 10*s.* per ton for the lowest, and 28*l.* per ton for the better quality of sugar consumed by the poor; and that 47*l.* would be the price of the highest quality consumed by the rich. This would show that, by my proposition, sugar would be provided for the poor at the lowest possible price, and at a price much lower than that proposed by hon. Gentlemen on the free-trade benches, who talk so loudly about "cheap sugar for the poor," but who really do so little for the poor. The operation of an *ad valorem* duty would be to tax the rich man highly, and to tax the poor man in proportion to the value of the coarser sugar which he consumes.

I understand that the better sort of low sugar used by the poor would sell at 28*l.* a ton, and under my scale pay a duty of 7*s.* 5*d.* per cwt. Under the recommendation of the Committee it would pay 10*s.* per cwt. Under the proposition of the hon. Gentleman the Member for Manchester it would pay 14*s.* per cwt.; and under the proposition of the Chancellor of the Exchequer, and the noble Lord at the head of the Government, it would pay 13*s.* per cwt. Now, let us come to a still lower quality of sugar—a quality which would be most extensively consumed by the poor if they could get it. But your duty is so prohibitory that the sugar is not consumed here, but is sent to the Continent, where it fetches 2*s.* or 3*s.* per cwt. more than it produces here; thus denying our own poor of the advantage of its consumption, and confining its use to the poor of foreign countries. This sugar stands at 23*s.* 6*d.* per cwt., with 14*s.* duty paid upon it, being 147¾ per cent *ad valorem*—a duty absolutely proscriptive of its use in this country; but if our *ad valorem* scale were applied, it would pay only 6*s.* 2¾*d.* duty, and could be sold to the "poor" of this country for 2½*d.* per lb. The duty to be paid upon that sugar, under our *ad valorem* scale, would be 6*s.* 2¾*d.* per cwt.; it would be 10*s.* under Sir Thomas Birch's resolution, 14*s.* under the proposition of Mr. Bright, and 13*s.* according to the plan of the Chancellor of the Exchequer. I have been speaking of colonial sugar. I will next take the case of foreign sugar, which it is proposed to maintain at 20*s.*; but upon which I propose to put a duty of 53 per cent. According to my proposition, the poor man would pay on foreign sugar 14*s.* 10*d.* per cwt.; under the proposition of the hon. Member for Manchester he would pay 18*s.* 7*d.*; and under the proposition of the Chancellor of the Exchequer he would pay 20*s.* Now, we come to the rich man's sugar—the sugar of the hon. Gentleman the Member for Manchester—and I will show you that he is not so hard upon himself as he is upon the poor. The hon. Gentleman has gone upon the true principle of the Manchester school so characteristically enunciated in the significant speech of Mr. Alderman Brooks—"Lord bless you, Sir, we are all for ourselves in this world." I will now take a glance at sugar not sold for 2½*d.* per lb., but for 5*d.* and 6*d.* per lb. Colonial sugar at 47*l.* a ton would pay, under my proposition, 12*s.* 5*d.* per cwt., under the proposition of the hon. Member for Manchester, 14*s.* per cwt., and under the proposition of the Government, 13*s.* This is colonial sugar; but it is with respect to slave-grown sugar that the hon. Gentleman specially seeks to deal so tenderly with himself. Under my proposition the hon. Gentleman would have to pay a duty of 24*s.* 10¾*d.* But, no! He takes good care to let himself down easy at 18*s.* 6*d.* per cwt.—the Chancellor of the Exchequer would impose upon him a duty of 20*s.*

Now, Sir, I think that I have shown that, notwithstanding all that was attempted to be maintained by the hon. Gentleman the Under Secretary for the Colonies, and others who followed him at the opposite side, that the Committee were seeking to "make sugar dear for the poor man," and that they had thrown his interests overboard; "that they had totally overlooked and forgotten one great class, the poor consumers;" that we were in reality the only men who were working silently, unostentatiously, but hard, honestly and with sincerity, for "the poor man." I think I have shown that we were the persons who worked long hours by day, and, I may add with truth, long hours by night, to discover a scale by which the poor man might be lightly taxed, while at the same time, the consumption of sugar might be greatly encouraged. This would have been effected had not the influence of the Government been brought to bear against us.

I will further show you that if my suggestion had been carried, the duty on the sugar of the poor man might have been reduced three farthings in the pound. I would have reduced it in this way. By an *ad valorem* duty on British free-labour sugar the highest quality for the poor might be sold for 3*d.* per lb., and the second quality for 2½*d.* per lb. The better descriptions of sugar for the rich might be sold for 5*d.* and 6*d.* per lb. The price of slave-labour sugar, according to the suggestion of the Committee, would be 3¼*d.* per lb.; according to the suggestion of the hon. Member for Manchester it would be 3¾*d.*; and according to the Chancellor of the Exchequer 3¾*d.* Thus the suggestion of the Committee would have reduced the price by two farthings less than the proposition of the hon. Member for Manchester, or of the Chancellor of the Exchequer.

With the indulgence of the House, I will read a table of the several duties payable under the different plans which have been propounded to the House:—*

Now, Sir, having, I hope, dispelled the imputation that in our anxiety to serve the colonies we had forgotten the interests of the poor man, I must beg permission to make a few observations in answer to the remarks of the hon. Gentleman the Member for Manchester, who alleges that the slave trade has not received any stimulus by the Act of 1846. It will be within the recollection of the House that the Committee which sat in the year 1842, of which Lord Sandon was the Chairman, reported—

> "That the slave trade was then diminishing altogether in amount, through the exertions and improved quality and system of our cruisers, and the depressed condition of the sugar planters of Cuba and Brazil."

Such was the state of the slave trade in 1842; but what is the state of the slave trade now? I received to-day a letter from a great manufacturer of colonial supplies; and we shall see what he says respecting the stimulus given to the slave trade by the Act of 1846. The house I allude to is that of Frederic Barnes and Co., manufacturers and wholesale ironmongers, 109, Fenchurch-street. The letter is in the following terms:—

> "London, July 10, 1848.
>
> "In reply to your inquiry, I beg to state that I believe I have supplied in the last ten months more hoes to be used in the sugar plantations in Brazil to one mercantile hosue only, than the whole of the same article supplied to the whole of the British West India Islands in the last ten years. I believe few engaged in our trade have been more largely engaged in plantation supplies than my house.
>
> (Signed) "FREDERIC BARNES."

Duties payable according to the different Plans on Low Sugars in ordinary use by the Poor.

LONG PRICE.	LORD G. BENTINCK'S POOR MAN'S BILL.		THE COMMITTEE, SIR THOMAS BIRCH,		BRIGHT, STICK TO THE ACT OF 1846.		MR. BARKLY.	THE CHANCELLOR OF THE EXCHEQUER.	
	Duty on British Free Labour Sugar.	Duty on Slave Sugar.	Duty on British Free Labour.	Duty on Slave Sugar.	Duty on British Free Labour.	Duty on Slave Sugar.	Duty on Slave Labour.	Duty on British Free Labour.	Duty on Slave Sugar.
POOR MAN'S SUGAR.									
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		£ s. d.	
28*l.* ₱ ton	7 8 5	14 16 10	10 0 0	20 0 0	14 0 0	18 10 0	The same both for British and slave, as regards "the poor man's sugar."	13 0 0	Poor man's sugar the same as Bright and Barkly.
28*s.* " cwt.	0 7 5	0 14 10	0 10 0	1 0 0	0 14 0	0 18 6		0 13 0	
3*d.* " lb.	0 0 0¾ 20/112 *f*	0 0 1½ 40/112	0 0 1 32/112 *f*	0 0 2 64/112 *f*	0 0 1½	A fraction under 2		0 0 1¼ 64/112 *f*	
23*l.* 10*s.* " ton	6 4 7	12 9 2	10 0 0	20 0 0	14 0 0	18 10 0		1 0 0	
23*s.* 6*d.* " cwt.	0 6 2¾	0 12 5½	0 10 0	1 0 0	0 14 0	0 18 6		3 3 0	
2⅕*d.* " lb.	0 0 0½ 25/112 *f*	0 0 1¼ 38/112	0 0 1 32/112 *f*	0 0 2 64/112 *f*	0 0 1½	A fraction under 2		0 0 1¼ 64/112 *f*	
RICH MAN'S SUGAR.									
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
47*l.* ₱ ton	12 9 1	24 18 2	10 0 0	20 0 0	14 0 0	18 10 0	21 11 8	13 0 0	20 0 0
47*s.* " cwt.	0 12 5¾ 10/5 *f*	1 4 10¾ 2/5	0 10 0	1 0 0	0 14 0	0 18 6	1 1 7	0 13 0	1 0 0
5 16/112 *d.* " lb.	0 0 1¼ 8/112 *f*	0 0 2½ 76/112 *f*	0 0 1 32/112 *f*	0 0 2 64/112 *f*	0 1 1½	A fraction under 2	0 0 2¼ 23/112	0 0 1¼ 64/112 *f*	0 0 2 64/112 *f*

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* See the following Tables, cols. 348-49.

This is, I think, a strong proof of the stimulus given to slave labour by the recent legislation of this House. And the House will recollect that the charge against the British planters is, that they have been guilty of great apathy in adopting modern improvements calculated to dispense with manual labour, by the substitution of improved agricultural implements. "Hoes" specially were the barbarous tools formerly exclusively used in slave colonies for the culture of the soil, but now generally superseded in the British colonies by the use of the "plough." I have also many other evidences of the same fact. I hold in my hand an advertisement from a Jamaica newspaper, dated March 23, 1848. It is written in Spanish, and commences, "A los Hacendados y Fabricantes de Azucares en la isla de Cuba." It announces to the planters of Cuba that a sale will take place at Kingston, of copper stills, sugar mills, and other utensils for the manufacture of sugar. I have also another advertisement, bearing the same date, which runs as follows :—

> "To Cuba Sugar Planters.—For Sale, deliverable in Kingston, a set of estates, coppers with still, &c., complete. Also a new horizontal sugar mill with gear, for working by steam or water power. This mill was manufactured by the M'Onies of Glasgow, and was only imported last year, and has never been worked. The above estates' machinery are well worthy the attention of Cuba planters."

	FREE LABOUR—DUTY.						SLAVE LABOUR—DUTY.					
	MORE THAN LORD G. BENTINCK.			LESS THAN LORD G. BENTINCK.			MORE THAN LORD G. BENTINCK.			LESS THAN LORD G. BENTINCK.		
	Poor Man.		Rich.	Poor Man.		Rich.	Poor Man.		Rich.	Poor Man.		Rich.
	1st.	2nd.	3rd.	1st.	2nd.	3rd.	1st.	2nd.	3rd.	1st.	2nd.	3rd.
	℘ ℔.	℘ ℔.	℘ ℔.	℘ ℔.	℘ ℔.	℘ ℔.	℘ ℔.	℘ ℔.	℘ ℔.	℘ ℔.	℘ ℔.	℘ ℔.
	d.	*d.*	*d.*	*d.*	*d.*	*d.*	*d.*	*d.*	*d.*	*d.*	*d.*	*d.*
Committee .	$\frac{1}{4}\frac{12}{112}$	$\frac{1}{4}\frac{62}{112}$	……	……	……	$\frac{1}{4}\frac{6}{112}$	$\frac{1}{2}\frac{6}{112}$	$\frac{3}{4}\frac{26}{112}$	……	……	……	$\frac{1}{2}\frac{12}{112}$
Bright . .	$\frac{1}{2}\frac{92}{112}$	$\frac{3}{4}\frac{32}{112}$	*f* $\frac{74}{112}$	……	……	……	$\frac{1}{4}\frac{72}{112}$	$\frac{1}{2}\frac{74}{112}$	……	……	……	$\frac{1}{2}\frac{76}{112}$
Barkly . .	$\frac{1}{2}\frac{92}{112}$	$\frac{3}{4}\frac{37}{112}$	*f* $\frac{74}{112}$	……	……	……	$\frac{1}{4}\frac{72}{112}$	$\frac{1}{2}\frac{74}{112}$	……	……	……	$\frac{1}{4}\frac{48}{112}$
Wood . . .	$\frac{1}{2}\frac{44}{112}$	$\frac{1}{2}\frac{101}{112}$	*f* $\frac{25}{112}$	……	……	……	$\frac{1}{4}\frac{72}{112}$	$\frac{1}{2}\frac{74}{112}$	……	……	……	$\frac{1}{2}\frac{12}{112}$

There is likewise another advertisement in the same paper, commencing—

> "The following estates' materials well worthy the attention of Cuba planters.—A first-rate cattle mill, coppers, pans, stills, worms, &c., complete."

It will be recollected that, in 1844, the Slave Trade Commissioners reported—

> "That in consequence of the low price of sugar the planters of Cuba and Brazil were unable to meet their engagements, to make further purchases of labourers, or to extend their estates."

And in 1845, Consul Newcomen, in a despatch to Lord Aberdeen, wrote—

> "That the men best informed on the subject were of opinion that the Brazilian Government must not only concede to England all she required, but would be also bound to the final abolition of the slave trade; and that it was more politic to do so when she might hope for corresponding concessions, than to grant at last from necessity that which she refused to the dictates of humanity."

In 1846, Messrs. Drake and Brothers, in their circular, stated—

> "That in consequence of the Sugar Bill of 1846, the island of Cuba was tumultuous with joy, and the news of the passing of the measure was welcomed with general illuminations."

They added—

> "That the production of 1848 had exceeded that of previous years, and that the prices obtained by the planter were so large that every one was adopting means to extend his powers of production."

The same gentleman, writing immediately before the passing of the Act of 1846, said—

> "That they had no expectation of the price of sugar being improved, except by having the English market open to the produce of the island, which, if effected even by a duty of 50 per cent over the colonial produce, will give double the price then obtained."

Let us now see what price the foreign planter is getting for his produce at present. In one of the last despatches from the Havana, bearing date the 27th of January, in the present year, Mr. Kennedy, writing to the noble Lord opposite (Lord Palmerston), says—

> "The net profits of the planters last year have been estimated at from 30 to 50 per cent, according to the different circumstances in which they were individually placed; nor is there any doubt of the fact. Their great advantage, however, I believe, over the British colonists consists in their command of labour; for they can compel their slaves to work sixteen or eighteen hours out of the twenty-four, and keep their engines always at work. The present condition of sugar cultivation is highly flourishing."

Now, let us turn to the statement of Consul General Crawford with respect to a particular estate. He says—

> "The estate consists of about sixty caballeries, or 2,000 acres. At 1,000 dollars per caballero, the estate may be valued at 60,000 dollars. The buildings and machinery may be valued at another like sum, which is extreme. There are about 400 negroes, who were bought two years since, who might have been bought, one with another, at 400 dollars each; though, as the owner imported them himself from Africa, they perhaps did not cost him one-fourth of that sum. The estimated value of the negroes is 160,000 dollars; add maintenance of same, wages for one year, &c., 20,000 dollars. He has this year a crop of sugar amounting to no less than 10,000 boxes, which, at 15 dollars a box, would give him a return of 150,000 dollars; so that, in two years, he will reimburse more than the outlay."

Lord Palmerston informed the Committee, on the authority of Lord Howden, that 60,000 slaves were imported into Brazil last year; and Senor Cliffe (a surgeon in the Brazilian navy) said he believed the average was 72,000 per annum; yet the hon. Member for Manchester would persuade us "that the slave trade had not been aggravated in character or increased in amount by the Act of 1846." Of the increased horrors of the trade there is abundant evidence. Senor Cliffe says—

> "That the mortality is enormous in consequence of the scarcity of water on board the ships, which produced the most fatal consequences in tropical climates;"

and he added, that he knew a case where, out of a hundred and sixty slaves, only ten escaped, and they were in such a condition that they were sold for 39*l*. There is also abundant evidence of the manner in which the negroes are "packed" in the ships:—

> "The negroes—chiefly boys of from ten to twelve years of age—are laid close together on their sides, and then the sailors lay a plank over them, jump upon it, and thus jam them down so as to fit close."

Captain Matson says, "they are packed like salt-fish;" and Mr. M'Crea, a surgeon in Her Majesty's service, gives similar testimony. Senor Cliffe observes—

> "That those who had the more iron constitutions survive, but they are horrible to look upon —the bones of their knees stands out like large stones, the calves of their legs have disappeared, and the abdomen is very much bloated."

This is the account given of the state of things in 1846; but it is also confirmed as being a true account of what happens now. Lord Howden, in his last despatch to Lord Palmerston, dated in June last, says—

> "That his estimate, gained from the best sources of information, is, that 60,000 Africans are imported annually into Brazil."

Lord Howden also stated that it was a well-known fact that a vessel had made five or six voyages last year from Rio Janeiro, and landed a cargo of slaves each time in safety. She had brought between 2,000 and 3,000. Mr. Atkins, the Consul at Rio, says, that there are now two steam vessels in that port, regularly employed in the slave trade, but under the Brazilian flag; and the American brig *George*, sailing under Brazilian colours, sailed not long before with 726 slaves on board, 100 of whom perished on board, chiefly from deficiency of water. The latest accounts, too, from the coast of Africa and Brazil show "that slave trade is on the increase. On the coast of Africa slavers are literally swarming;" from Brazil, the last packet but one brought intelligence, "that in the short period of two months, 5,000 slaves had been disembarked at Bahia, and 7,000 at Rio Janeiro, Campos, and Rio Grande." Thus in four districts of Brazil alone the number of slaves landed during the first two months of the present year would give an average of 150,000 per annum, or more than twice as many as were calculated to have arrived last year by Lord Howden and Senor Cliffe. Now, Sir, with these facts before us, I will leave it to the House to decide between me and the hon. Member for Manchester, whether the slave trade has or has not been stimulated by our recent legislation. Upon that ground it is that I appeal to Her Majesty's Ministers. The noble Lord at the head of the Government, when he introduced the measure of 1846, declared to this House that if it was calculated to stimulate the slave trade he would not adhere to it; and Earl Grey also declared his abhorrence of the slave trade, adding a declaration of his belief that the measure he was then supporting—the Act of 1846—would not tend to increase, but to diminish it. These were Earl Grey's words:—

> "He himself utterly abhorred the slave trade; and he would not adopt any course that would tend

to increase it; but he was bound to say, he believed that in passing this measure, so far from increasing the slave trade, that it would be the most likely means of putting an end to it."

After the facts I have adduced, I will leave it to any man to say whether the slave trade has not been greatly stimulated by that legislation, and whether Earl Grey, on the authority of his own words, is not bound to give his assistance in furthering the repeal of such a measure?

Sir, the right hon. Gentleman the Member for Manchester (Mr. Milner Gibson) said the other night that the cotton manufacturers had never asked for protection. But when the right hon. Gentleman said that, he forgot all the protection they received during the last half century, not in this country only, but in the East Indies and in the colonies. He forgot also a protection which was referred to before the Committee—a protection which the cotton manufacturers enjoy still over all other interests—I allude to the drawback on soap. In that respect the cotton manufacturers have an advantage even over the woollen manufacturers. Thus the woollen manufacturers are only allowed a drawback of three-fourths the excise duty on "hard soap," and of half the excise duty on soft soap. The cotton manufacturers have secured for themselves the full drawback of the entire excise duty on "hard soap," and seven-eighths of the excise duty on "soft soap."

Mr. BRIGHT: Perhaps the noble Lord will allow me to tell him that the cotton manufacturers use no soap at all in their manufactures.

Lord G. BENTINCK: Then, if they do not use it at all, I am at a loss to understand why the cotton manufacturers should have been so anxious to secure to themselves by law this invidious monopoly and distinction of a special advantage in the amount of drawback over their rivals the woollen manufacturers.

Sir, with regard to the whole measure, I would observe, that I do not see on what ground we are to be called upon to injure the West India colonists for the benefit of the slaveholders, or why, instead of making the slaveholder pay a duty, they should be called upon—as the supporters of this measure seemed to prefer to do—to play a game of "beggar my neighbour." Why, for instance, the English, Scotch, and Irish distiller should have 70,000*l.* a year taken from them—why all our sympathies should be for the stranger, and all our adverse legislation for those who are nearest home.

Sir, there is another great interest which is to be served in the like manner. The right hon. Gentleman the Chancellor of the Exchequer has not been above breaking faith with the shipowners. In 1846, when advocating the measure of that year, the right hon. Gentleman, in enumerating its advantages, said it would stimulate the colonial trade, give sugar cheap to the poor, aud secure an enormously increased trade to the shipowners of England. Thus spoke the Chancellor of the Exchequer on the 27th of July, 1826:—

"There is one class of merchants in this country whose interests my noble Friend on a former occasion advocated—the British shipowner, to whom I believe it will be most advantageous. At present the carrying trade of sugar from Cuba and Brazil is carried on mainly in foreign bottoms. I trust that the result of this change will be that it will be almost entirely carried on in British ships. Under the navigation laws of this country, sugar from Brazil and Cuba, for consumption in this country, can only come hither in British, Brazilian, and Spanish bottoms. I trust that the sugar will, after this measure is carried, come home in Britis vessels; and those vessels will not only have the benefit of bringing their cargoes here or carrying them to the other ports in the north of Europe, but they will have also the benefit of the back carriage."

It was thus that the right hon. Gentleman tried to seduce the shipowners; and I am very sorry to say that he did succeed in seducing them to give him their support. By promising the shipowners the monopoly of the carrying trade of foreign sugar, the right hon. Gentleman, in 1846, condescended to attempt to bribe, and succeeded in bribing, the shipping interest to support him. As he could bribe them, however, so he could bilk them it seems; but I must say that I cannot pity the shipowners for having been so bilked, they having submitted to be so bribed. I cannot help saying that the right hon. Gentleman has chosen a most inopportune moment for repealing the navigation laws, whereby an inundation of 17,000 tons of foreign sugar, imported in foreign bottoms, and at present excluded by the navigation laws from consumption in this country, would at once be let in to overwhelm the market of British plantation sugar. This sugar so imported in "unprivileged bottoms" (amounting, as I have said, to 17,000 tons at this moment in the United Kingdom), stands at 2*s.* 6*d.* a ton less in price than than which comes in privileged bottoms. I hope the West India interest will not forget this, or that the time at which it is done makes the blow inflicted on them a still harder one.

Sir, before I sit down I must say a few words on the financial question. The right hon. Gentleman the Chancellor of the Exchequer, it seems, has most strangely discovered a million and a half of revenue. I rejoice to hear it; because if three months ago it was a question whether the finances of the country would allow of our pausing for the sake of a few hundred thousands sterling of revenue in the threatened destruction of the British West Indies, that question must be entirely set at rest now. The right hon. Gentleman the Chancellor of the Exchequer and the noble Lord at the head of the Government have now discovered, not "a missing despatch," but "a missing budget"—a whole budget which they had totally overlooked when they came down to Parliament and asked us to renew the income tax for three years. Then, it seems, the noble Lord could see nothing of the 350,000*l.* from the malt duties, on which he now calculates; and yet a good financier, or a Chancellor of the Exchequer who knew his business, ought to have known that he could calculate on that sum, because six months' credit is always given for the malt duties, and, therefore, the right hon. Gentleman ought to have known that this increased consumption of malt had been brought to charge, and what he had to expect at least six months ago. Nor did we hear anything of this 1,500,000*l.* of saved and new revenue when we were called upon to renew the income tax. But there was also another item which was very gingerly touched by the right hon. Gentleman the other night. I asked the right hon. Gentleman, on a former occasion, the question whether he had not omitted from his calculation the 800,000*l.* received for the corn duties; and he answered me most distinctly "that the corn duties were included in the estimate of the Customs revenues." He now tells "they were not!" You must, therefore, add that sum to the 1,500,000*l.*, making in all about 2,300,000*l.*, as the grand total of revenue which was concealed from us when we were asked to renew the income tax. The noble Lord either thought it possible, in February, to go on with a deficiency of 2,300,000*l.*, or he was aware that he had this 2,300,000*l.* concealed in reserve. I hope Ministers have not played their hand, as if it were a game of whist, where "the errors and oversights of the one party are held to be the fair game gain of the other," and where the game being desperate, a party may have recourse to the questionable finesse of a "wilful revoke," as the last chance of saving the odd trick, which would otherwise lose the rubber. I attribute no such proceeding to the noble Lord or the right hon. Gentleman. I frankly acquit them by giving them credit for the most entire and simple-minded ignorance. The malt duties were, no doubt, overlooked. The corn duties, amounting to 800,000*l.*, were *bonâ fide* totally forgotten by the Whig Chancellor of the Exchequer. But if the state of the revenue turned out so different from what had been expected, and if 40,000*l.* of copper duties can be spared and thrown away, why not spare some revenue to enable you to give the British colonies the aid which they want, and without which they must expire? Thus the noble Lord and the right hon. Gentleman are reduced to one or other horn of the dilemma. Either when the noble Lord made his financial statement, he was ignorant of these branches of revenue, or he calculated on the ignorance of his opponents. But I will do the noble Lord the justice to suppose that he did not use any of that finesse which is allowable at the game of whist, where the errors of one party are the game of the other, but is not to be endured in the administration of the affairs of a great nation. I will not believe that the noble Lord, seeing the game desperate, made a wilful revoke, and trusted to his adversaries not observing it.

Sir, I am aware that the Motion I am about to support will increase the price of sugar. What may be the amount of that increase? It is half a farthing per lb. I deeply regret it. But are we, for the sake of such a small difference in price, to refuse to do justice to the British colonies? My right hon. Friend the Member for Ripon (Sir J. Graham), the other night, painted in glowing colours the advantage of cheap sugar to the people of this country—"how it gave zest to their mawkish gruel—how it sweetened their coarse tea, and gave a relish to their tasteless coffee." But much as I value the advantages of cheap sugar for the poor, I do not think the operatives of this country will be tempted by my right hon. Friend, for even these advantages, to commit such an injustice as we are asked to commit towards the West India colonies. I do not think even if some greater tempter —the most subtle of all tempters—were to come from below, and offer them cheap sugar purchased at such a price, he would succeed. I do not think the people of this country will consent to show themselves so unworthy of their honourable reputation. I do not believe the people of this country, although they earn the means by which they purchase by the sweat of their brows, could be tempted, by a promise that they would save half a farthing a pound in their sugar, to aid in doing an act of injustice. I do not believe, Sir, that the people of this country, nursed as they have been in the bosom of the Church of England, would be led by any such considerations. I believe, to use the words of the late Lord Harrowby, that they "will not dare to weigh gold against the blood of the African slave;" to use the words of the late Daniel O'Connell, "they will not consent to get a larger loaf and a Father's curse"—our Father that is above us. Neither the peasantry, the operatives, or the middle classes of the people of this country, will condescend to put to themselves the unworthy, the degrading question—

> "Isne tibi melius suadet qui ut rem, facias rem,
> Si possis, recte; si non, quocumque modo rem?"

No, Sir, hard are the earnings, by their industry, of the English people, out of which they have to purchase their scanty and small comforts, and no people understand better the value of thrift and frugality than they do; but deeply engraved on their hearts, side by side with their value of frugality and thrift, are their high principles of morality and virtue.

> "Vilius argentum est auro, virtutibus aurum."

This, Sir, is the proud motto of the people of England. Nursed in the bosom of the English Church, taught the principles of honesty, morality, and virtue from their earliest youth, they will not consent, either that the blood and sufferings of the wretched African should weigh like a nightmare on their consciences, and disturb their peaceful slumbers, nor will they consent that the ruin and beggary of their fellow-countrymen connected with the colonies should lie at their doors. Sir, they will continue to cherish the glorious, the royal maxims of their joyous boyhood—

> . . . "pueri ludentes, Rex eris, aiunt
> Si recte facies. Hic murus aheneus esto,
> Nil conscire sibi, nullâ pallescere culpâ."

LORD J. RUSSELL: As I admitted on Friday night, the noble Lord is fully entitled to the credit of being heard by this House on a question to which he has devoted so much labour, and of which it is due to him to say he has made himself master. But I must say he has certainly used that privilege to the utmost. The noble Lord has delivered a speech, of which but a very few words at the beginning, and perhaps a word at the end, are applicable to the Motion which is now under consideration. The rest of that speech, able and well-informed as it was, if it have any bearing on the Motion, is a bearing against it; because the noble Lord argued that it would be a great advantage to have sugar cheaper; that it was desirable that the duties should be reduced; and very strangely, therefore, he intimated his intention of voting for a Motion to keep the duties as they were, and not admit of any reduction. But the noble Lord gave us several quotations—several Latin quotations—at the end of his speech, which are certainly not new or unknown to this House; and, if I may give him one in return, I should suppose that late on Friday night he felt that his prospect was not so favourable as to-night, and that, like a great Roman general, he would show himself—

> "Unis qui nobis cunctando restituit rem."

The noble Lord, in the course of his speech, seems, in a most extraordinary way, to have taken for granted that all those principles which have been laid down, and to which I thought consent was generally given, with respect to the price of sugar, were unfair, and that the price would be diminished if there were simply a differential duty between the Brazilian and colonial article. He argued, that if you reduce the duty from 14*s*. to 10*s*. on colonial, you would thereby effect a great reduction of price. If a quantity of foreign sugar is to be introduced at a certain duty, that foreign sugar must regulate the price. The whole argument has been, whether just or unjust, that because the cost of production is much greater by free than by slave labour, therefore it is necessary to impose an additional duty. Let us take the figures of the hon. Member for Kidderminster (Mr. Godson). Without admitting the accuracy of the figures—as they agree in general with the colonial estimates, I will take them as they stand. He supposed the cost of producing sugar in Cuba to be 10*s*. per cwt., and in Demerara and Jamaica 20*s*. Freight, and other charges, would be 7*s*. more. He proposed that a 10*s*. duty should be imposed on colonial sugar, making it 37*s*., and a 20*s*. duty on foreign sugar, making it 37*s*. also. It is quite evident, however, that the difference of duty in favour of the colonies goes not to produce cheapness in this country, but to compensate the planters for the additional cost of production. The noble Lord is mistaken, therefore, if he supposes that the reduction of the colonial duty without reducing the foreign, will produce cheapness in this country. But the question which is now before the Committee is not what the noble Lord stated. The noble Lord has gone into this question, in the first place, as if we were considering the proposal of a duty of 25 or 26 per cent upon colonial sugar, and of 53 per cent upon foreign sugar—a proposition which was not even considered by the Committee of which the noble Lord was Chairman, and which neither he nor any one else has proposed to the Committee of this House. The noble Lord at the end of his speech also argued as if we were now considering whether we should prohibit altogether slave-labour sugar. Now, I must beg the noble Lord and the Committee to recollect that the question before the House is between two propositions, namely, that of the Government and that of the hon. Member for Leominster, both of which admit that slave-labour sugar is to be introduced. Both admit it at a certain differential duty. Both allow that at the end of six years there shall be an end of that differential duty, and that free-labour sugar and slave-labour sugar shall then come in at the same rate of duty. That is the question before the House, and not whether we shall have a duty of 25 or 26 per cent on one kind of sugar, and a duty of 53 per cent on another; not whether we shall exclude slave-labour sugar altogether, but whether the one scheme or the other—both schemes admitting slave-labour sugar, and both allowing the differential duty to be equalised within six years—whether the one or the other of these schemes shall be adopted by this Committee. It is to this question, therefore, that I beg to address the few observations which I have to make to the Committee. It appears to me that the question is really this—whether for the benefit of the consumer, for the benefit of the West Indies, and finally, without any risk to the revenue, we can afford to reduce the duty on colonial sugar from 14*s*. to 10*s*., because, according to the plan of the hon. Gentleman, he proposes that the duty shall be reduced to 14*s*., that it shall remain at 14*s*., and that it shall never reach a lower figure. With regard to the consumer, in the first place, it is evident that if there is 4*s*. per cent of difference in the duty—being 4*l*. per ton—this, upon a general consumption of 300,000 tons, will be a benefit of 1,200,000*l*. a year to the consumer—a benefit which is not to be rejected without much consideration. It appears to me that if the people have 1,200,000*l*.—and if the consumption reaches 400,000 tons, it will be 1,600,000*l*.—if the people have thus much less to pay it will be a great benefit. I would rest any proposition of this kind upon the general observations that were made by Mr. Huskisson in 1830, in which he spoke of the great burden of taxation paid upon articles of general subsistence, and contended that we ought to lighten that burden. He said—

> "See to what an extent your Excise and Customs prove that you do not attend to this consideration; full three-fourths of your revenue are levied under these two heads; and by far the greatest proportion of that amount upon articles necessary, either for the subsistence, the clothing, or the humble comforts of the labourer; or of use in the fabrication of those articles to which his industry is devoted, Let any man look through the list of the Excise and Customs, even now that the beer and leather taxes are removed, and he will find in how great a degree this observation still applies. Candles, hops, licenses, malt, printed goods, soap, British spirits, tea, sugar, tobacco, rum, hemp, timber—here is an enumeration amounting to near 30,000,000*l*.; but the incidental burden of which, in restraint, impediment, and vexatious interference, may well be estimated at 10,000,000*l*. more."

Now, some of those taxes—those, for instance, upon candles and printed goods, have since been abolished; but the spirit and truth of these general observations still remain, and tell in favour of one proposal before the House, and against the other, namely, in favour of the proposal finally to diminish to a considerable extent the price of a great article of subsistence. But it is said that we shall not obtain any sufficient compensation for so great a loss of revenue. It is argued, moreover, that we shall not benefit the West Indies by the adoption of this change. It appears to me, that the best change for the West Indian interest is a large increase of consumption. Seeing the quantity of sugar that was introduced last year, seeing the quantity that was entered for consumption, seeing the great increase of production throughout the world, it seems to me that the best chance which we can give the West Indians for recovering themselves is by reducing sugar to such a price that there will necessarily be a very large increase of consumption in this country; that the foreign colonies will not be able to supply a great part of that consumption, and that therefore a large portion must come from our own possessions. I think it will be observed, that while reductions of price have not generally told in the first and second years, they have told in the course of years, and produced such a great amount of consumption as the experience of the first year could not have enabled us to anticipate. It is upon that ground that we have supposed that in the course of the present year there would be an increased consumption to the amount of 10,000 or 15,000 tons. I quite admit that there is not in the present measure, as proposed, much ground to expect a large increase of consumption in the present year; but it will be observed that very great increase has been made in the course of the last two years, and that the reduction of price then effected has been attended with an increase in the amount of sugar consumed. Now, I find that the average consumption of the five years beginning with 1839 was 4,081,000 cwts.; and that the consumption of sugar and molasses for last year was 6,045,121 cwts., being an increase of one-half upon the average amount consumed in these five years. But the diminution of price was considerable. In 1839 it was 63*s.* 4½*d.*; in 1840, 73*s.* 10¼*d.*; in 1841, 63*s.* 5¾*d.*; in 1842, 62*s.* 5*d.*; in 1843, 59*s.* 2*d.*; and last year it was 42*s.* 3*d.* This shows what we may expect in the way of increased consumption by a diminution of price; but if you agree to the proposal now before the House you can hardly expect that an immediate increased consumption can take place. I will take various articles on which there was a very great increase of consumption from a reduction of duty. The most remarkable increase was that on coffee. In 1820 the consumption of British plantation coffee, with a duty of 1*s.* per lb., was 7,000,000 lb.; in 1825, at a duty of 6*d.*, it was 11,000,000 lb.; without any further reduction of duty it increased in 1830 to 22,000,000 lb. It was then stationary, because the whole quantity admissible at 6*d.* was exhausted by consumption; and to comply with the demand shipments of foreign coffee were made from South America to the Cape of Good Hope and brought back to Europe, whereby the article was admissible at 9*d.* per lb. In 1836 the duty on coffee from India was reduced to 6*d.* equally with that from the West Indies, and in 1840 the consumption had reached 28,720,735 lb. The duty was again reduced to 4*d.* per lb. on colonial, and 6*d.* on foreign coffee; and in 1847 the consumption was 37,470,529 lb. But this is not a solitary instance. Take the consumption of cocoa. With a duty of 6*d.* per lb., in 1831, the consumption of cocoa was 502,806 lb. With a duty of 2*d.* per lb. it rose, in 1841, to 1,928,847 lb.; and with a duty of 1*d.* per lb. it rose from 2,246,473 lb. in 1842, to 3,107,164 lb. in 1847. With respect to wine, I find that, when the duty was reduced from 9*s* 1¼*d.* per gallon to 4*s.* 10*d.*, the consumption rose from 5,330,091 gallons in 1824, to 7,162,376 gallons in 1828. Then take an article in which there was no reduction of duty, but which was affected by the abolition of the East India Company's monopoly—I mean tea. I find that the price of tea, exclusive of duty was, in 1840, 2*s.* 6*d.* per pound, and that in October, 1844, it was only 1*s.* 6*d.* Well, in 1842 the consumption was 37,000,000 lb., and in 1847 it had risen to 46,000,000 lb. Now, there has been nothing like this increase in the consumption of sugar; but at the same time every one is aware how much sugar is desired as an article of consumption by the middle and working classes in this country, and how very much a diminution of the price is likely to lead to an increase of the consumption. I should therefore say that I think it would be very bad policy, when comparing two separate scales of duty one with another—when both end with the same equality of duty, and where there is no superiority of principle in the one over the other—not to take the duty which gives the greatest chance of increased consumption—thereby improving the condition of the people of this country, and enabling them to obtain a very great object of comfort to them; and at the same time giving to the West Indies the best chance of increased consumption for their article—and increasing that consumption without any risk to the revenue. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone), who spoke on Friday night, made some observations entirely on the question of revenue, and he doubted whether we shall have such an increased consumption as we expect. I think it will hardly be found a solid argument to take the consumption in June as any criterion, seeing that it was then expected the Committee would come to some resolution which would recommend an entire change in the sugar duties; and it being doubtful what the House would do, the trade was necessarily in a state of uncertainty. We saw at the beginning of the year that there was a very great increase of consumption; and I conceive that that increase will continue as soon as this question is settled. But, Sir, other questions have been raised with respect to the state of the West Indies; and it is argued by Gentlemen who say that the West Indies are totally ruined, that it is impossible for them to compete with foreign-grown sugar, and that you had therefore better adopt the plan of the hon. Member for Leominster in preference to the plan of the Government. I own I do not see in what respect a certain number of shillings' protection gained in six years will give the hon. Gentleman's plan an advantage over the plan of the Government. The protection we propose is 7*s.* for the first year, 6*s.* 6*d.* for the next year, 6*s.* for the third year, and 5*s.* 6*d.* for the fourth year. The hon. Gentleman proposes a protection of 7*s.*, but it is to be obtained only by keeping the duty as high as it is now. If the proposition of the hon. Gentleman was, that there should be a protection of 2*s.* more than that proposed by the Government, then undoubtedly the hon. Gentleman's plan would have a certain advantage; but if you combine in your calculation the amount of protection with the advantage that will accrue from an increased consumption, then I think the plan of the Government is preferable to that of the hon. Gentleman. With regard to the cultivation of the West Indies, I think, even upon the view taken of the question by the hon. and learned Member for Kidderminster (Mr. Godson), there is no ground for despair. I was glad to find that the hon. and learned Gentleman thought there was not any reason to despond as to the ultimate fate of the West Indies. It is generally admitted that there has been a reduction of wages in those colonies to the amount of 25 per cent. I find it stated in the despatch of the Governor of Antigua that the reduction was equal to 50 per cent, but in the colonies generally it may be fairly taken at 25 per cent. Now, the hon. Gentleman stated that 20*s.* is reckoned as the cost of production of a cwt. of sugar, 10*s.* of which go in wages. 25 per cent, therefore, would be a reduction of 2*s.* 6*d.* a cwt., making the cost 17*s.* 6*d.* instead of 20*s.* per cwt. If you add to this a protection of 7*s.* per cwt., which will be the case for the present year, I think it will hardly appear that there is any such advantage given to the slave colonies by the Government plan as hon. Gentlemen who represent the West Indians would have it to be supposed. But, in point of fact, though the noble Lord has represented Cuba to be so prosperous, accounts have been received stating that the same circumstances which have caused distress in the West Indies have operated in Cuba; that the same reduction of price has caused a great loss to those who have property in the slave colonies. We hear of many planters in Cuba being utterly ruined by the reduction of the price of sugar. It was only the other day, when speaking to a gentleman who came to me with a view of asking for a reduction of duty in the course of the present year, I was told by him that upon every ton of sugar he had imported from Brazil in the course of the last year he had lost 5*l.* I think this shows, what I believe to be the fact, that the very large production of the West Indies since the abolition of slavery, combined with the production of foreign sugar, has lowered the price to such a degree that the growth of sugar has been a losing transaction in the course of the last year. But if that is the case, and if there has been a loss to the slaveowner as well as to the West Indians, then we have no reason to despair as to the future. We may hereafter expect that the amount of production will be reduced, and the cost also of production will be reduced, in consequence of a diminished competition for labour. The result in the first place, then, will be a reduction in the cost and the amount of production; and, in the next place, the amount of production not exceeding the demand, the planter will be able to cultivate at a profit. The noble Lord made an estimate that about 200,000 tons would be imported in the course of the present year from the British possessions. I have a statement here, which has been derived from various sources. [Lord G. BENTINCK: My statement was from the 5th of July of this year to the 5th of July, 1849.] This estimate is from July, 1848, to July, 1849. It is estimated that during that year the quantity of sugar that will be imported from the British West Indies will be 135,000 tons; from the Mauritius, 62,000 tons; and from the British East Indies, 60,000 tons, making a total estimate of 257,000 tons. Of course I cannot guarantee any such statement as that; I can only say that it has been obtained from a very good source, and I think it is likely to be more accurate than the estimate of the noble Lord. We have to add to that quantity the further amount of foreign sugar that will be imported; and my opinion is, that you will have a consumption of from 300,000 to 310,000 tons by the month of July in the next year. It appears to me, therefore, upon a comparison of these plans, that that which the Government has proposed as being more likely to increase the consumption, and, at the same time, to give the people the article at the cheapest price, is the one which the Committee ought to adopt. The right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) complained of the statement made by my right hon. Friend the Chancellor of the Exchequer with respect to the state of the finances; and he declared that he should consider it the bounden duty of the Government to propose some additional taxes in order to make up the deficiency of the revenue of this year. Now, I think my right hon. Friend showed, item by item, which could not be contradicted, that a reduction of expenditure to the amount of 650,000*l.* might be effected this year; and he also stated that, by paying 500,000*l.* at once into the revenue, derivable from what are called "appropriations in aid," instead of reserving it to next year, he might reckon that from these and other sources the amount of the revenue as compared with the expenditure would be such as would leave a deficiency only of between 4,000*l.* and 5,000*l.* in the present year. Now, with regard to the general state of affairs, and considering the present condition of Europe, I certainly am not prepared to say that I think it would be the duty of the Government to propose, as the right hon. Gentleman has suggested, any additional taxation in the course of the present year. If it should appear at the commencement of the next Session of Parliament that the state of Europe was so threatening that it was necessary to keep up all our establishments at the highest estimate, I should then say that it would not be right to go on another year without making the income exceed the expenditure by means of taxation. But if, as I should hope, and as the present aspect of affairs induces me to believe, we should find Europe in a settled state of peace, I should then say that we were bound, by the exercise of the most rigid economy, to bring the expenditure of the country down to a level with the income ,rather than to make up that expenditure by an increase of taxation. But, at all events, in the present uncertain state of things, we are not now called upon to settle that question. It may be that pacific counsels will prevail, and that the people of Europe will remain at peace. At all events, there is no danger of any disturbance of peace at home. In such a state of things, I hope we shall be enabled to bring our expenditure within our income. But, on the present occasion, I beg leave to submit to the House that this is no question of the prohibition of slave-grown sugar; it is no question of humanity one way or the other. Those who have an objection to the admission of slave-grown sugar will to-night vote for a proposition which admits slave-grown sugar—at present at a differential duty, and at the end of six years on terms of equality with sugar from our own colonies. In that respect, therefore, there is no difference between the proposition of the hon. Member for Leominster and that of the Government. But a difference there is; and I believe it to be a sound difference, namely, that while the proposition of the hon. Gentleman will keep up the differential duty, and enhance the price of sugar, the adoption of the proposition of the Government, without lessening the revenue, will provide better for the comforts of the people, and afford a greater chance to the West Indians to recover themselves from the deep prostration into which they are at present plunged.

MR. GOULBURN agreed with the noble Lord who had just sat down, that the present question had no reference to the exclusion of slave-grown sugar from the British markets. Unfortunately, he thought, for the character of this country, and for the interests of the colonies, the time had gone by at which that question could be discussed. The House in 1846 adopted a measure by which they resolved to admit slave-grown sugar into the British market. The opponents of slavery were now, therefore, bound to take the best means in their power for maintaining, by other means, the principles for which they previously contended, viz., placing our colonies in such a position that they would be enabled to undersell the foreign producer—and, by underselling the foreign producer, to operate upon the profits of slavery and the slave trade. Agreeing, therefore, with the noble Lord, that the immediate question was not the exclusion of foreign sugar, he maintained that, in considering the comparative merits of the two plans before the House, they were bound to consider which of the two was most calculated to promote the interests of the colonies, and by that means most effectually to check slavery and the slave trade. He had listened attentively to the observations made by the noble Lord, and if he had not known the state of things in this country, he should have imagined that the noble Lord was speaking at a time when the Treasury was very abundantly filled—when the resources of the country were of such a nature that he was enabled to announce a large excess in the receipt above the expenditure—that we were enjoying those favourable circumstances—and that we were justified in prophesying a continued enjoyment of them for several successive years. The noble Lord talked of relying for the next four years upon a large excess of revenue over expenditure; he talked of abandoning this year 300,000*l.* of revenue, next year 500,000*l.*, and in the fourth year 1,200,000*l.*; sums which the noble Lord conceived could be dispensed with with safety to the finances of the country. And the noble Lord, in making these assumptions and abandoning these sources of revenue, had fully before him the state of European affairs; for the noble Lord told them that he could not foresee what the exigencies of public affairs might require in the present state of Europe. In discussing the merits of the two plans before the House, he would not long detain the House. He could not say that either of those plans entirely met with his approbation; he thought that they both partook of one common fault—that they drew no distinction between the East and West India colonies, in the latter of which there was, by reason of the legislation of Parliament, an inefficient supply of labour; but in the former no want of labour at all. In the East India colonies there were none of those impediments to progress that Parliament had thrown in the way of the West Indies, and there was, therefore, with respect to the former, less necessity for relief. He admitted that both the East and West India colonies had this claim upon the Government, that they had been deceived by the assurances of Parliament. They were told, when slave emancipation was passed, that for the future they would only have to compete with the produce of free labour. Neither the East nor the West India colonists entertained the slightest idea that this country, which had been so earnest for the abolition of slavery and the destruction of the slave trade, would ever have sanctioned the introduction of the produce of Cuba and Brazil—supplied by slaves under the aggravated horrors of the slave trade of which they had heard so much during the present debate. Looking at the special claims which the West India planters had upon the Legislature of this country from the manner in which it had dealt with their labouring population, he contended that it was the duty of the Government to have adopted towards them that course which they themselves had announced that it was their intention to pursue—a course which none but the Government could pursue—of affording them some distinctive advantage. At all events they should give to the West India planters such a protection against the foreign producer as would enable them to compete with him successfully. But neither the measure of the noble Lord nor that of his hon. Friend (Mr. Barkly) had the slightest tendency to correct the inequality existing between the case of the British colonist and that of the foreign producer. Driven as he was to choose between the two measures before the House, he certainly had no hesitation in adopting that of his hon. Friend. And he did so for two reasons: first of all, from the effect which the measure of the noble Lord was likely to have upon the finances of the country; and, secondly, because he approved of the measure of his hon. Friend, as being more likely to meet the exigency of the case, from its greater tendency to restore that confidence and credit on which alone they could rely for the rescue of the West Indies from their present lamentable condition. He admitted that, if our finances would bear it, there was no duty that could more properly be largely reduced than the duty on sugar at present. It amounted to no less than 100 per cent, and with such a duty it was ridiculous to talk of free trade. The next highest duty was that on malt, which was equal to 60 per cent. Yet they had given to malt an absolute monopoly in the market by prohibiting the import of malt, while on the sugar of the West Indies they imposed 100 per cent in addition to a restriction on labour, and then thought it hard that the planters should ask protection against the foreign sugar grower. The plan before them proposed a reduction of only 1*s.* It would be so much money absolutely thrown away—it would confer no benefit either upon the producer or the consumer. The noble Lord had referred to the case of coffee and cocoa, and had stated that in those cases the consumer had received advantages from the reduction of duty; but in those instances the amount of reduction was very large, and materially affected the price; whereas they were now only dealing with a reduction of 1*s.*, which could have no effect upon price, though it involved a considerable sacrifice of revenue. Were they in a condition to make that sacrifice? Was it not possible that in the present state of Europe they might be called upon to put forth all their resources to maintain their position? He thought the noble Lord (Lord J. Russell) was not justified in the imputation he had cast upon the noble Lord (Lord G. Bentinck) that he wished to impose additional taxes on the country. The noble Lord had only contended that this portion of our revenue should not be sacrificed, but should be retained to meet the exigencies of the future. It had been said that by adding 1*s.* 7*d.* to the differential duty proposed by the Government, an increased charge to that amount would be placed upon the public; and the hon. Member for Westbury said that in all cases the enhancement of the price of the article was equal to the protection given to it. That might be very well in theory, but it was not accurate in point of fact. If it was so, it would be equally true that the reduction of the protecting duty would lower the price to the same amount to the consumer: that was notoriously untrue. In the reductions made in 1842 and in 1845–6, it was found that in most of the articles the reduction in price was not equal to the amount of duty reduced, but that the benefit was shared between the consumer and producer. The fall in the price depended more on the supply in the market than on the amount of protecting duty. He preferred the plan of the hon. Gentleman to that of the Government also because it was more calculated to meet the main evil they had to deal with, namely, the abandonment of the cultivation of their estates by the planters, whose means had been exhausted. A fixed duty for a certain number of years would enable those who had engaged in the cultivation of estates in the West Indies, or who had advanced money for that purpose, to reckon on a definite amount of protection for a definite period: on that security money might be raised. That would be the effect of his hon. Friend's plan; but if the plan of the Government were adopted, the West Indies would have a protection which would give no confidence, because it would gradually sink under them. He thought the project of his hon. Friend avoided those defects. He believed that if the plan of the noble Lord were to be carried, it would only lead in the ensuing Session to fresh complaints from the West India planters —to an extensive abandonment of estates —to a cry in this country for protection— to an increase of the slave trade in Cuba and Brazil—to complaints so urged as to render it impossible for Parliament to turn a deaf ear—and to revival of those discussions and an occupation of the public time in them which the example of the present Session ought to make them most desirous to prevent. He thought that the certainty of protection, and the absence of that variation which distinguished the Government proposition, ought to recommend his Friend's Amendment to the House. The noble Lord said we ought to calculate upon having an increase of consumption in the present year, and attempted to account for the absence of that increase during the early part of the present year by the fact that uncertainty was occasioned in the public mind by the state of the law, and by the agitation of the question of the sugar duties. [Lord J. RUSSELL: I said for the last month.] He admitted that the agitation of such a question in Parliament would have an effect upon the sugar market, but thought that uncertainty must have led rather to increase than to diminish purchases; for no man of the least reflection could think (notwithstanding the declaration of the noble Lord at the early part of the Session that there was to be no change in the sugar duties) that this country would allow its colonies to fall into ruin for the want of that protection which it could easily afford them. He thought, therefore, that the consumption in the months of May and June, to which the noble Lord adverted, must be taken as the average consumption of the year; and, taking such data into account, all hope of that increase to the extent to which the noble Lord seemed to rely on it was excluded. What were the prospects of the Cuba planter the noble Lord did not seem to have ascertained. The noble Lord did not say the demand of Cuba for slaves was less active than formerly, or that Brazil would send less frequently to the coast of Africa, nor that she would be more willing to abide by treaty than formerly. He objected to the Government project on financial grounds likewise, and did not think it wise to pledge Parliament to give away a large sum of money in the present low state of the Exchequer, not merely during the present, but during future years. Although his hon. Friend's plan was not altogether free from objection, yet, upon the whole, he should vote for it as preferable to the plan proposed by Her Majesty's Government.

The Committee divided on the question that the duty on Muscovado be, as proposed in the Ministers' Resolution, 13*s.* :—Ayes 180; Noes 124: Majority 56.

List of the AYES.

Abdy, T. N.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bellew, R. M.
Benbow, J.
Berkeley, hon. Capt.
Berkeley, hon. C. F.
Bouverie, hon. E. P.
Bowring, Dr.
Boyle, hon. Col.
Brand, T.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Bunbury, E. H.
Butler, P. S.
Carter, J. B.
Cavendish, hon. G. H.
Cavendish, W. G.
Childers, J. W.
Clay, J.
Clay, Sir W.
Cockburn, A. J. E.
Coke, hon. E. K.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Dalrymple, Capt.
Davie, Sir H. R. F.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Ellice, E.
Elliot, hon. J. E.
Enfield, Visct.
Evans, Sir De L.
Evans, J.
Evans, W.
Fagan, W.
Fergus, J.
Ferguson, Sir R. A.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Freestun, Col.
Glyn, G. C.
Graham, rt. hon. Sir J.
Greene, J.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F.
Harcourt, G. G.
Hardcastle, J. A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Henry, A.
Herbert, H. A.
Heywood, J.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hughes, W. B.
Jervis, Sir J.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lemon, Sir C.
Lennard, T. B.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
M'Cullagh, W. T.
McTaggart, Sir J.
Maher, N. V.
Maitland, T.
Marshall, J. G.
Martin, J.
Martin, C. W.
Martin, S.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Morpeth, Visct.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Muntz, G. F.
Norreys, Lord
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Peel, rt. hon. Sir R.
Perfect, R.
Peto, S. M.
Pigott, F.
Pilkington, J.
Pusey, P.
Raphael, A.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Scholefield, W.
Scrope, G. P.
Seymour, Sir H.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, J. A.
Smith, J. B.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord D.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Trelawny, J. S.
Turner, E.
Tynte, Col.
Vivian, J. H.
Wall, C. B.
Ward, H. G.
Watkins, Col.
West, F. R.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Wyld, J.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Acland, Sir T. D.
Baillie, H. J.
Baring, T.
Barrington, Visct.
Bateson, T.
Bentinck, Lord G.
Bentinck, Lord H.
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Brooke, Lord
Bruce, Lord E.
Burrell, Sir C. M.
Buxton, Sir E. N.
Cardwell, E.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Colebrooke, Sir T. E.
Corry, rt. hon. H. L.
Courtenay, Lord
Denison, J. E.
Disraeli, B.
Dod, J. W.
Drax, J. S. W. S. E.
Drummond, H. H.
Duckworth, Sir J. T. B.
East, Sir J. B.
Egerton, Sir P.
Emlyn, Visct.
Estcourt, J. B. B.
Farrer, J.
Fellowes, E.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Forbes, W.
Forester, hon. G. C. W
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Goddard, A. L.
Gooch, E. S.
Gordon, Adm.
Goulburn, rt. hon. H.
Granby, Marq. of
Greene, T.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Halsey, T. P.
Hamilton, G. A.

Hamilton, Lord C.
Heneage, G. H. W.
Hervey, Lord A.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hope, H. T.
Hotham, Lord
Hume, J.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knox, Col.
Lennox, Lord H. G.
Lincoln, Earl of
Lockhart, A. E.
Lockhart, W.
Lowther, hon. Col.
Lowther, H.
Mackenzie, W. F.
M'Gregor, J.
Manners, Lord C. S.
Manners, Lord G.
March, Earl of
Masterman, J.
Monsell, W.
Moody, C. A.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
O'Brien, Sir L.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Palmer, R.
Patten, J. W.
Peel, Col.
Pennant, hon. Col.
Reid, Col.
Rushout, Capt.
Sandars, G.
Scott, hon. F.
Seymer, H. K.
Sidney, Ald.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Sturt, H. G.
Sutton, J. H. M.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Vesey, hon. T.
Villiers, Visct.
Vyse, R. H. R. H.
Waddington, D.
Wawn, J. T.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of

TELLERS.
Barkly, H.
Miles, W.

Resolution adopted.

Remaining duties as proposed by Ministers agreed to.

MR. MOFFATT proposed as an Amendment the omission of the words—" white clayed, or sugar rendered by any process equal in quality to white clayed, not being refined for every cwt.," which he declined to press.

MR. BOUVERIE moved—

> " That provision be made for the admission of such Foreign Sugars as shall be cleared out of the Foreign, West Indian, and American ports, before the 1st day of August next, and out of ports east of the Cape of Good Hope before the 1st day of September next, at the rates of Duty imposed on such Sugars respectively by the Act 9 and 10 Victoria, c. 63."

By the Act of 1846, he said, the duties on these foreign sugars were fixed at 18*s.* 6*d.* per cwt., whereas by the new scale they would be 20*s.* a cwt., or 20*l.* a ton. The traders had naturally expected that the duty of 1846 would be continued; and they were confirmed in that view by the statement of the right hon. Baronet the Chancellor of the Exchequer on the 3rd February, as well as by the speech of the noble Lord at the head of the Government, at a subsequent period. The practical consequence was, that many of the merchants, including those who had hesitated before, had sent out large orders to Cuba, Bahia, and Manilla; and he thought that they had a right to accuse Parliament of having broken faith with them, and to call upon the House to hold them harmless for the loss thus imposed upon them. In common justice and fairness, the House was bound to indemnify those parties.

The CHANCELLOR OF THE EXCHEQUER said, that in no case had any allowance been made to any interest, nor had any article been allowed to come in at the lower duty where a higher duty had been imposed. His hon. Friend had drawn a distinction between this and duties on other articles. Nothing could be more mischievous than for a Government making an announcement of the intention to propose the raising of duties before having made a proposition to this effect in that House. On July 21, 1831, a proposal was made to increase the duty on Spanish wines, which was adopted; but no allowance was made to any parties. He could not find a single instance in which an allowance was not refused to parties under such circumstances as the present.

MR. GLADSTONE had come down to the House with very considerable anxiety as to the Motion of the hon. Member for Kilmarnock, and as to the reply of the Government. He was aware of the inconvenience which must result from the present state of things to the importers of foreign sugar. He was anxious to have some clear statement from Her Majesty's Government as to the present case, before he gave a negative to the Motion; but he had not heard any such statement from the Chancellor of the Exchequer as the representative of Her Majesty's Government. He was anxious to state his own views on the subject. He felt if Parliament, from motives of public policy, thought fit to increase a duty, it was totally impossible to make an arrangement to allow such a drawback as was proposed. In all increases or decreases, the principle of prudence must be recognised by parties, and the trader must make allowance for an increase or decrease of duties on any article. In one case, the parties might lose, but in another they might gain by an alteration in duties. He could not agree with the hon. Gentleman who made the Motion, that on the faith of Parliament parties might count on the continuance of duties for a limited time. He could not subscribe to the doctrine that because a discriminating scale of duties was enacted in 1844, and again in 1846, that it was to be supposed they could not be altered without compensation being made to parties for any loss they might sustain. If therefore he could not support the Motion on the grounds which had been urged in its favour, he could not oppose it on some of the grounds which had been urged against it. The right hon. the Chancellor of the Exchequer said that a case had never occurred of allowance being made under such circumstances as those now stated. He had no doubt as to the correctness of the statement of the right hon. Gentleman; but his objection did not depend on the vote of Parliament, or on an Act of Parliament, but on the declaration of Members of the Executive Government. It was necessary, however, that they should pay regard to the declarations of Members of the Government to persons engaged in trading in foreign sugar, as to any probable change in the duties on that article. In February, 1848, upon the Motion by the noble Lord the Member for King's Lynn for the appointment of the Committee, the right hon. Gentleman the Chancellor of the Exchequer was reported to have used these words :—

> "The noble Lord has stated several points in which relief may be afforded to the West Indian interest, with regard to which Her Majesty's Government, as well as the noble Lord, thinks some inquiry may be advantageous ; but I should deceive both him and the House, and, what is still more material, the West Indians themselves, if I led them to suppose that, in consenting to the appointment of this Committee, Her Majesty's Government mean them to imply the slightest doubt of the propriety of the Act of 1846, or the slightest intention of departing from the provisions of that Act. I think it but fair to all parties that this statement should be made as decidedly as possible, and as early as possible, because I believe upon a subject of this description uncertainty is the worst of evils, and because, as I remember an hon. Member to have said upon a former occasion, the greatest kindness is to state distinctly and explicitly what the views and intention of the Government are."

Of course he did not mean to say it was in the power of Government to limit the discretion of Parliament, because Parliament might have instituted a proposal to alter the law in spite of the Government; but, standing upon general considerations of equity and policy, these parties knew it was the practice of Parliament not to alter laws of this description, except upon the proposal of a Government in which they had general confidence. They heard, however, the Financial Minister of the Government declaring it was their intention to adhere to the Act of 1846, and declaring further that they made that declaration in order that it might be acted upon by those who were concerned. Nor was this declaration the only ground upon which they proceeded. There were four Members of the Government to whom the mercantile community had a right to look for indications of the Ministerial policy upon colonial as well as commercial questions. They were the first Lord of the Treasury, the Chancellor of the Exchequer, the President of the Board of Trade, and the Secretary of State for the Colonies. The Secretary for the Colonies in February, again in April, in addressing Sir Charles Grey, and at other times in his place in Parliament, declared in the strongest terms, backed by references to abstract principles, that it was impossible anything could be so ruinous to the West Indies as the revival of protection. No person, indeed, could invent terms that would convey that doctrine with greater rigour than those in which it was conveyed by Lord Grey. In the Committee on Sugar and Coffee Planting, the President of the Board of Trade represented the Government. He supported the resolutions moved by the hon. Member for Westbury, one of which unequivocally declared that any increase of protection would be detrimental to the interests of the West Indies, and would retard indefinitely more changes which were really required for their welfare. Then the next was a gratuitous declaration of the noble Lord at the head of the Government in that House. [Lord JOHN RUSSELL: It was in answer to a question.] He did not think that the question, according to his recollection, went to the full extent of the noble Lord's answer. The noble Lord was asked, not by the parties about to suffer, what he meant to do with the Act of 1846; and on the 30th of May he declared "he would take that opportunity of informing the House that it was not the intention of the Government to propose any alteration in the duties under the Act of 1846, either with regard to amount or duration." Here were a series of declarations made by the Government upon this subject; and the question he put to the Committee was this—"Is it good policy, is it consistent with public faith and honour, and with a liberal understanding, that such declarations on the part of the Executive, when they have been trusted and acted upon by persons engaged in trade, should be considered as if they had never been made?" To this question he could give but one answer. He did not think it was right such assurances should be given by Ministers of the Crown in that House or elsewhere, and those who relied upon them be punished for their reliance. The Chancellor of the Exchequer, however, appeared to rely upon his view of the case as an ordinary case of an application for a return of duty. In his (Mr. Gladstone's) opinion, it was distinguished from such cases as broadly as possible; he could not doubt that, in equity, these parties were entitled to the indulgence they claimed; and if it were granted, he had not the least fear of establishing a precedent for granting a return of duty where they had acted upon their own discretion. Having said this much, he must refer to another matter, which was rather personal. He understood that the noble Lord (Lord John Russell), in speaking of the deficiency in the public revenue in the earlier part of the debate upon the schedule of duties, stated he had said the deficiency should be made up by taxation; but in his opinion the best way to remove it was by rigid economy. Most certainly he had said nothing of the kind; and it was with the greatest surprise he heard the noble Lord had so misapprehended him. What he said was, that it was the duty of Parliament and the Government to equalise the revenue and the expenditure, and that the proposal of the noble Lord for increasing taxation, at an early period of the year, had been summarily dismissed, not because Parliament was unwilling to grant additional taxes, upon cause shown, but because Parliament had not confidence in the estimates of the noble Lord, and because they believed they had been prepared without due regard to the principles of public economy. It would be presumptuous in him to pretend to such a knowledge of the public expenditure as to be in a condition to say the whole of the deficiency of this year could be supplied by economy. But he was bound to say a large portion of it could, and that it ought to be so supplied. Possibly the whole might; but, at all events, he did not think Her Majesty's Government had shown a due regard to the principles of public economy, either with respect to the present year, or to a variety of acts which, if the present were the occasion, he could point out since the period of their accession to office.

MR. LABOUCHERE said, that when the subject then before the House was adverted to on a former occasion, he had felt surprised at the right hon. Gentleman's (Mr. Gladstone's) intimation of his opinion that the claim put forth by the hon. Member for Kilmarnock was founded in reason and in justice; convinced, as experience must have made him with the difficulties of this case, and admitting, as he did, that what was asked for was contrary to all former practice. The right hon. Gentleman had availed himself of that opportunity rather to make an attack on the Government, and to charge them with faults and inconsistencies, than to give reasons for departing from what had been the universal practice. The right hon. Gentleman based the claim of the parties concerned upon what he stated as the inconsistencies of the Government. The alteration of the sugar duties was the act of the House of Commons; and even if the Government had been guilty of vacillation on this subject, that was no reason for deviating from the course pursued by former Parliaments. He must say that the attack which the right hon. Gentleman had gone out of his way to make on the Government, was not founded in reason, in candour, or in justice. The right hon. Gentleman must admit that, as a general rule, it was the duty of a Government to maintain the most absolute silence with regard to alterations of duties. It happened, unfortunately, that this question of duty had, on that occasion, been mixed up with questions of policy; and the noble Lord (Lord J. Russell) and the right hon. Gentleman (Sir C. Wood), when asked what would be the nature of their proposal, had replied that they would adhere to the spirit of the Act of 1846. Most reluctantly had the Government proposed any alteration in that Act; but, having adhered to its spirit, he was surprised at the position assumed by the right hon. Gentleman. The chief reproach levelled against the Government in the course of the debate was, that they had not altogether reversed the measure of 1846, and substituted for it a protective duty of considerable amount. Had they followed that course they would certainly have acted with great inconsistency; but when the West Indian Committee recommended a protecting duty of 10*s.*, they felt that they were bound in justice carefully to review the whole subject, and, so far as they could do so consistently, to modify their plan. He would not pursue the subject any further. He felt that, at that late hour of the night, it would be very inconvenient to enter into a discussion on the financial principles of zeal alone that would enable him to accomplish his object. It was the difficulty inherent in the case which made legislation on such a question almost impossible. Notwithstanding his objections, if there were any likelihood of coming to a satisfactory conclusion, he should deprecate the rejection of the Bill that evening.

LORD CAMPBELL felt it his duty to state, that he despaired of the framing of any Bill which, if passed, would accomplish the object in view. He believed, in fact, that no legislative measure against simple fornication would be attended with a good effect. There were many aggravated cases of fraudulent seduction, which, though it was most desirable to provide against them, could not be included in an enactment. The right rev. Prelate (the Bishop of Oxford) had spoken of Berlin as a place in which houses of ill-fame were suppressed by law. Now he (Lord Campbell) believed that amongst the capitals of Europe there was none so licentious as Berlin; it was worse than either Paris or Vienna.

EARL NELSON expressed a hope that the right rev. Prelate would persevere with the measure. He knew that it was difficult to legislate in cases of this description, because, while one party was punished, another, though undeserving of it, was rewarded, as was the case under the bastardy laws. But the outrage on society by seduction was so great, that he thought it at least worth the trial whether this Bill would work well or not.

The LORD CHANCELLOR sincerely regretted that he was obliged to express his concurrence in the opinions delivered by his noble and learned Friends who had addressed the House. The noble Lords who had spoken in favour of the Bill were naturally carried away by their desire to effect a most laudable object; but they had not addressed themselves to the real objection to the Bill, namely, the anomalous nature of the abuse, and the impossibility of providing a remedy. There being no legal definition of the term "seduction," words were introduced in the Bill for the purpose of defining the offence, which would include a very different description of offence from that contemplated by the framers of the Bill. He feared that under the provisions of the Bill the object thus aimed at could not be secured.

The EARL of HARROWBY said, that notwithstanding the opinions which had been expressed by noble and learned Lords, he thought there would be no difficulty in carrying the Bill into effect. The jury, acting as fathers and as husbands, would know very well what was meant by seduction; and even though the word had not obtained a legal meaning, a very few verdicts and sentences would give it one. Even if the Bill failed on account of the want of a definition, it would be easy to apply to Parliament to define the offence more distinctly.

LORD CAMPBELL observed, that no judge or jury would be at liberty to accept any other definition of seduction than the definition given by the indictment, which would, of course, follow the words of the Act. Now, the Bill defined seduction to be "the soliciting of any female to have carnal intercourse or connexion with any man to whom the said female shall not be married."

The BISHOP of LLANDAFF thought the discussion would prove that the difficulties in carrying out this measure were more imaginary than real; and he hoped their Lordships would give effect to a Bill, the intention of which was to give relief to a large class of the community from some of the greatest evils to which they could be exposed.

The EARL of MINTO moved that the Bill be read a third time that day six months.

The BISHOP of OXFORD, in reply, said he had well considered the suggestion of the noble and learned Lord Chief Justice, but was unable to acquiesce in it, and must therefore press for the decision of their Lordships on the Bill. Notwithstanding what had fallen from some noble Lords, he could say that legislation on this subject, on the Continent had not produced the evil effects which were represented to have arisen from it; but had, on the contrary, tended to check immorality in the towns there. He had, however, no objection to insert the word "fraudulent," according to the suggestion of the noble and learned Lord opposite, as it would remove one of the main objections that were urged against the measure. And he besought their Lordships to pause before they rejected such a Bill as this, and expose that House, which depended upon its high standing in the moral and religious sympathies of the country, to the charge that they strained at a gnat and swallowed a camel.

Their Lordships then divided:—Content 21; Not-Content 28: Majority 7.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 11, 1848.

Minutes.] Public Bills.—2° Reproductive Loan Fund Institution (Ireland).

Reported.—Trustees Relief (Ireland); Ecclesiastical Districts Assignment.

Petitions Presented. By Mr. Taylor, from Trustees of the Southern Division of the Ashbourne Turnpike, Dublin, against a Renewal of the Dublin and Ashbourne Road Act.—By Mr. Napier, from Freshford, Kilkenny, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Duncan, from Magistrates and Council of Aberdeen, for an Extension of the Elective Franchise.—By Mr. Osborne, from Inhabitants of the Parish of Saint Pancras, Middlesex, for the Adoption of Universal Suffrage.—By Mr. William Evans, from Members of the Baptist Congregation of Burton-on-Trent, for Discouragement of Idolatry in India.—By Sir George Grey, from the Wesleyan Methodists at Tunstall, Staffordshire, for a Better Observance of the Lord's Day.—By Mr. Hindley, from Churchwardens, Overseers, and Others, of several Metropolitan Parishes, in favour of the Sunday Trading Bill (1846).—By Mr. Spooner, from the Clergy of Birmingham, in favour of the Sale of Beer Bill.—By Viscount Melgund, from Greenock, and several other Places, for Inquiry into the Bakers' Grievances.—By Mr. Dunne, from Ratepayers of the Nenagh Union, Tipperary, for Inquiry into the State of the Poor Law (Ireland).—By Mr. Home Drummond, from the Epsom Union, in favour of a Superannuation Fund for Poor Law Officers.—By Mr. Stafford, from Limerick, for the Adoption of Remedial Measures for Ireland.—By Mr. Benjamin Smith, from the Directors of the Stirling School of Arts, for an Alteration of the Scientific Societies Bill.

INCUMBERED ESTATES (IRELAND) BILL —ADJOURNED DEBATE.

Order of the Day read for resuming the Adjourned Debate on the Motion, "That it be an Instruction to the Committee," &c. (*See July* 4).

Mr. SADLIER denied that the hon. Baronet (Sir L. O'Brien) was actuated by party motives, or the intention of seeking to gain time by his Motion, for the extension of the operation of the Bill to England and Scotland. The Bill, in fact, contained principles and details which might be with great advantage extended to every part of the empire; and he objected to exclusive legislation for Ireland upon the law of entail. There was not one of those Gentlemen who dreamed of establishing a peasant proprietary in Ireland to whom he would yield in sincere anxiety to render the sale and transfer of land in Ireland, as facile, as expeditious, and as efficacious as possible, consistently with the interests of the empire, and consistently also with the rights of property, and the claims which belonged to honest and productive labour. The hon. and learned Gentleman (Mr. Napier) had made statements, in supporting the Bill, which were, in his opinion, calculated to mislead the House. He had said that the Bill would put an end to the system of receivers in Chancery suits. It would be most desirable if such an object could be attained. But it unfortunately could not by any legislation of that House. Neither could fresh and clear titles to estates be made under the operation of the Bill, as stated by his hon. and learned Friend (Mr. Napier). As to the increase in the numbers of the landed proprietors of Ireland—if it meant that the present number, who were estimated at 8,000, might be safely increased, he fully agreed with his hon. and learned Friend. But he wished to guard against establishing in Ireland a peasant proprietary. There was another error which the hon. and learned Gentleman had fallen into when he confounded the positions in which a judgment creditor and a mortgagee stood relatively to an estate. The judgment creditor, far from having any advantage over, or being even equal with, the mortgagee, stood in a very different and inferior position. But the Bill professed to give, by an *ex post facto* operation, a power to mortgagees and judgment creditors which they never before possessed, and to give tenants for life a power to dispose of the fee and inheritance in satisfaction of debts and encumbrances. He would support the principle of the Bill, but he objected to its machinery. He objected to the power of private sale being given to the tenant for life, even although he might sell for a sufficient sum; and he recommended that portion of the Bill to be amended, in order to prevent fraudulent and collusive sales. The hon. and learned Gentleman had, indeed, said that he could not imagine a case in which the tenant for life would sell a property collusively; but there were several instances of such things being done, even despite the difficulties which now surrounded a sale. An English conveyancer had gone over and settled in Dublin, where he soon obtained an extensive practice. He sold a property suppressing totally a marriage settlement, which was even registered; and it was only at the last moment that the fraud was discovered. The facts were brought under the notice of Lord Chancellor Sugden, who referred them for consideration to the benchers of the King's Inn, and the barrister was disbarred. But the granting of a power of disposal by private sale contemplated a purchaser being discovered who would not only be satisfied to make the purchase privately, but to pay into court the purchase money, and accept the conditions of sale, subject, as the property would be, to a claim by any party who had not had notice of the proceedings, and who should have a better claim to the estate. Now, he asked, would the hon. and learned Gentleman advise any man to purchase property in Ireland on such conditions? And it should be observed that the purchaser would remain in a state of uncertainty and anxiety for five years, and should a better claim be made out before the expiration of that period, he would have no remedy. Such machinery would not do when there were in the market annually for sale 4,000,000*l.* worth of landed property. He was at a loss to know what portion of the Bill would enable them to find purchasers; for, independently of the quantity of property which was annually for sale under the Court of Chancery, there were 1,000,000*l.* in the market for private sale. To find purchasers, enormous sacrifices were continually made. He knew of one estate in the county Clare, which had been offered and contracted for in 1845, for 52,000*l.*, which was sold last month for 30,000*l.*; and another in Longford, for which 25,000*l.* had been given in 1845, which was sold within the last six weeks for 14,500*l.* It was right that the House should understand that one particular effect of the measure now proposed would be to cut down the Statute of Limitations to five years. He had heard no reason assigned to justify that. A large portion of the Bill was occupied with provisions for notices to parties interested in the *corpus* of the estate, and to parties who might be interested in the proceeds of the sale; but the machinery for this purpose would be rendered most inefficient by the provision which enacted that these notices should be given in a particular prescribed form. The notices were required to be published in the newspapers and in the *Dublin Gazette*, and posted upon the places of public worship in the district in which the property was situated—altogether losing sight of the fact that hitherto in the courts of Ireland those judges who had lengthened and intimate experience of the usages of law, as respected the sale and transference of property in Ireland, had found it absolutely necessary, for the purpose of checking frauds, to provide that the service of the notices should be made personally on the parties interested in the sale; and in cases where that was impossible, to provide some system substitutive. But there was a long interval between the personal service of the notices and their publication in the *Gazette* and in the journals; and he was astonished that the hon. and learned Gentleman had not provided in some way that it should be left to the good sense, experience, and discretion of the Judges in Ireland, or the Masters in Chancery to direct what description of notices the parties interested in the estate, or the incumbrances on the estate should, have. The hon. and learned Gentleman had dwelt forcibly on the intricate and complex character of titles in Ireland; but this intricacy and complexity only led him to feel more particularly the necessity of exercising caution in dealing with this matter, and of providing proper safeguards against fraud, which he feared this measure did not do. There was one provision in this Bill to which he wished to call the hon. and learned Gentleman's particular attention. It was provided that the original searches should be filed with the affidavit. Did the hon. and learned Gentleman mean to leave the original searches for ever in court? for, if so, the practical effect would be to impose an enormous expense upon parties wishing to dispose of landed property, by compelling them to have two sets of original searches; because no subsequent dealing could take place—no man could purchase the estate, or enter into a settlement with the proprietor, or advance money to him, without having the original searches produced and handed over. He (Mr. Sadlier) could understand the policy of filing as a record a summary, or the substantial result of the negative searches; but the policy of impounding them in court, of placing them in the court for ever, considering that they represented a sum of about 400*l.* or 500*l.* each—the policy of doing this without any substantial benefit to be derived from it, he confessed he was unable to comprehend. He was greatly disappointed to find that a measure which had been for so many months under the consideration of the Government, and to which public interest had been for a length of time directed, should not have been of a more comprehensive character than the present. He thought the Bill much better as it came from the Lords, than as it had since been altered. What the Irish proprietors wanted were practical, comprehensive, substantial facilities for the sale of landed property; and these facilities could only be obtained by diminishing the expense and curtailing the delay attendant on that process at present, and in administering the funds which were the proceeds of the sales. Now, if hon. Gentlemen who had no practical experience in the sale of landed property in Ireland imagined that the provisions of this Bill as they at present stood would either diminish the expense or curtail the delay, they would find themselves grievously disappointed. There had been no remonstrance from the Irish bar with reference to the anticipated diminution of expense under this Bill, as the hon. and learned Gentleman had insinuated—no murmur had come from the attorneys and solicitors of Ireland on that head; and he ventured to predict that no attorney or solicitor in that country would object to this Bill on any personal ground, such as that it was calculated to curtail the emoluments of his profession. The hon. Gentleman then went on to mention various devices which might be resorted to in order to effect fraudulent and collusive sales, and among others he supposed a case in which persons were appointed trustees under a marriage settlement without their knowledge. He knew it was not the custom in this country to appoint persons trustees without their knowledge and consent; but it was not at all unusual in Ireland to do so; and twenty years afterwards a boy might step up to a gentleman and claim him as his trustee, without the gentleman having ever heard of it before, or without any but the most casual acquaintance with the lady or gentleman who had appointed him. Well, suppose a sale by a tenant for life where there was no known trustee, who was to raise the speculative question as to the right of the unborn issue? because the issue might not be born until the sixth year after the sale, when, according to this Bill, it would be one year too late to raise the question of the infant's right. There was one power which might be usefully conferred on the master with reference to the sale of estates under an order of court. By the existing practice, the sale must be advertised; and it frequently happened that the persons who attended had not quite made up their minds as to what sums they would offer. He thought it would be useful that the master should be allowed to receive from the solicitor those private offers which might have been made to him for the purchase of the entire property or for portions of it. The master might then hear the parties who were interested in the property; and if it should appear right to the master to sanction a sale by private contract, he should have power to do so under the authority of the Court. He had offered these observations with a sincere desire to make the Bill as useful and as just as possible.

SIR J. GRAHAM: As an English Member I shall presume to take for a very short time a part in this discussion. I must own I have long looked with great anxiety—I may almost say with despair—for the introduction of a measure upon this subject, which I regard as of paramount importance in the present condition of Ireland. I do not think this a fit occasion to go into all the technicalities and legal niceties which are connected with the subject. If it were, I should not presume to address you, as I am by no means competent to the task. But, at the same time, I think it right to offer my opinion upon the general outline of this measure. I am compelled to do so by an observation made by the hon. Gentleman who has just addressed you. I understood him to say that he was well content with the measure as it came down from the House of Lords, but that he viewed it now with less favour since it had been altered by the Solicitor General. Now my view of the measure is almost the converse of that of the hon. Gentleman. As it came down from the House of Lords I was not well satisfied with it, but as it has been amended by the Solicitor General I am happy to say I look with some hope to the practical working of this Bill. The hon. Gentleman has spoken rather disparagingly of the speech made on a former occasion by the Solicitor General. Upon that point also I must differ from the hon. Gentleman. My dread has always been that with respect to this measure it would be too much left to the professional prejudices and legal scruples of conveyancers, who would consider it only with reference to the law of real property, and not sufficiently in regard to the peculiar circumstances existing in Ireland. But I heard with the greatest pleasure a speech coming from a Gentleman bearing the name which the Solicitor General bears—a speech worthy of a lawyer, but I must say, not exclusively of a lawyer; but a speech, while bringing to bear upon the subject great knowledge of the law of real property, combined with that knowledge large political views well worthy of the subject which we have to handle. I am not, as I have intimated already, now prepared to go into the whole question of the jurisprudence of Ireland. The hon. Gentleman has told us of some defects in the law of that country with regard to marriage settlements, and has said that persons might be made trustees of marriage settlements without knowing it. Now, I live upon the Scottish border, and upon that border it is possible for a man to be married without knowing it. So that in Scotland the law of marriage goes far beyond anything regarding marriages or marriage settlements in the sister country. But this is not the occasion for us to go into the defects of the law or the administration of justice in the masters' office in Ireland. I agree with the hon. Gentleman in some of the points on which he has touched; but the objections are too numerous and important to allow of this as being the proper period for entering into them. The law of debtor and creditor, and the defects in marriage settlements, in the registration of births, marriages, and wills, and in the administration of justice in the masters' office, have all been adverted to. These are all matters of great importance, but they do not appear to me to be immediately connected with the subject we have to deal with. On the contrary, the view I took of the Bill, as it came down from the House of Lords, was in its immediate connexion with the delay and expense of proceedings in the Court of Chancery. As the Bill came down from the Lords, there were only three modes for effecting sales with respect to incumbered estates. But here, let me observe, in passing, that as I understand the present framing of the Bill, everything that was good in the Lords' Bill, remains, and the Bill has been most materially improved by what has been withdrawn, and what has been added. The Bill on coming from the Lords offered three modes of effecting a sale. The first was, that the tenant for life might make an arrangement for sale with the incumbrancer, and having effected his bargain he might apply to the Court of Chancery to confirm it; the second mode was, that the tenant for life, not making a bargain with the incumbrancer, might apply to the court for an order to sell; and the third mode was, that the first incumbrancer might make an application for an order to sell. Now, my first observation is, that with regard to all three of the modes the very objection as to delay and expense applies, by making the Court of Chancery the sole machinery by which these sales can be effected. I speak of the Bill as it came down from the House of Lords. Then, looking at each mode separately. With regard to the first mode, I am not sure that it will prevent fraudulent sales by arrangements between the tenant for life and the first incumbrancer, unless where minors and tenants in tail are represented by solicitors or counsel to take the necessary precautions against fraudulent arrangements prior to the application to the court. With regard to the two last modes, they are not open to the same objection, though as far as regards delay and expense the objection applies with equal force. If, therefore, the Bill had stood as it originally came from the House of Lords, I should have entertained very strong objections to it. But I now come with satisfaction to that portion of the Bill which has been grafted on the original stock, as it came down from the Lords, by the Solicitor General. And I must say that that portion of the Bill does appear to me—subject to such improvements as may be deemed necessary to be made in Committee for its effective practical working—to be an immense improvement on the original draught of the measure. It avoids altogether the expense and delay of an application to the Court of Chancery. I heard with sincere satisfaction the speech of the hon. Member for Limerick (Mr. Monsell) on this subject on a former occasion. It appeared to me to be a sound and intelligent view of the subject. I am quite satisfied if this question, in the present position of property in Ireland, be left to the Court of Chancery and to the lawyers, that with respect to the rights both of encumbrancers and heirs, no practical remedy will be afforded. I am satisfied that every facility ought and must be given for the conversion of land at its full value into money. Every security must be taken to see that all the creditors are paid, and that the residue of the purchase-money is properly applied to those who are entitled to the inheritance according to the terms of the first settlement. At all events, every possible facility must be given for the conversion of the estate into money. If that view of the subject be sound, then I think that the amendments introduced by the Solicitor General will fully effect that object. I should be most happy to go through this measure in detail, if this were the proper time for doing so; I should not, however, have done justice to my feelings if I had not stated thus shortly the view I entertain upon this subject. I think it is absolutely necessary that every encouragement and facility should be given to the subdivision of land in Ireland; and that the opportunity most favourable for effecting this is when land is brought to sale. I am most anxious to reunite to the soil of Ireland the Roman Catholic population of that country. That I believe to be one of the most efficacious means of insuring the safety of Ireland, and of forming and strengthening the bond of union between the two countries. The Roman Catholics of Ireland have by industry during a long series of years of exclusion and inequality of rights, accumulated capital, which I believe they are not unwilling to invest in the purchase of the land of Ireland. Unfortunately, the large estates held by right of confiscation, in the hands of Protestants, have become deeply encumbered. By reason of these encumbrances the nominal owners of these estates cannot in all instances do that which it is their wish and their duty to do. I would relieve them from the painful position in which they stand, and would give them every facility to release themselves from their debts. Their creditors should in the first place be secured, and then their families provided for out of the balance of the sale of the estates; for unquestionably their estates ought at once to be brought to market. I am anxious to see a subdivision of the land into such portions as would admit of persons of small capital to become purchasers. Upon the whole, therefore, it is with great satisfaction that I view this measure. I believe it is sound in principle, and that none of its provisions are calculated to work any violation of right. In the first place the rights of the heirs are secured by the provisions with reference to the settlement of the balance derived from the sale of the estate; and then the sale itself will amply secure the creditor. Now, if these two objects be effected, there can be no question whatever that with respect to political objects the measure will be one of immense importance. I consider the Bill as amended by the Solicitor General calculated to secure the interests of the owner in possession, the heirs, the remainder-men, and the creditors. If there should be any imperfection in the measure, especially as to securing the sale of the property at its full value, I shall be ready to remove that imperfection. I am most anxious that the full value of the property should be secured; that no sudden or precipitate sale should be forced on so that the value of the land should be depreciated by a larger quantity being brought simultaneously into the market than the demand requires. I am, also, for the sake of the tenants in possession, desirous that care be taken that there shall not be a "mortgage panic," which would be fatal to the measure. But under the present circumstances of Ireland, you must not be guided by caution only; you must not take your steps timidly, but boldly, at the same time prudently, for the period has arrived when with respect to the land of Ireland something decisive must be done. Upon the whole, I consider this Bill to be highly creditable to Her Majesty's Government, and I cordially support it. In Committee I shall give my humble assistance to make it perfect.

MR. DILLON BROWNE heartily concurred in the sentiments expressed by the right hon. Baronet towards this measure, which, he believed, would be found acceptable to a great majority of the most intelligent people of Ireland. Many of the remarks of the hon. Gentleman the Member for Carlow (Mr. Sadlier) were not, in his opinion, applicable to the Bill; but if they were, they could be better considered in Committee, when the clauses were under discussion. The Bill was absolutely necessary in justice to Irish landlords, the owners of encumbered property. Of course it was natural they should be desirous of maintaining the dignity of their position as landlords; but after maintaining that position, in too many cases there was nothing left to be spent upon the improvement of the estate. The want of means for improvement affected injuriously, not only the property but the estate. Exorbitant rents were occasioned; agrarian crime followed, and a system of farming was introduced not more fatal to the tenant than the landlord. For these reasons, he conceived that proprietors of encumbered estates ought to be the persons most desirous of the passing of this Bill. The newspapers had represented the Irish landlords as a sort of monster bipeds—beings who had no rational notions of the rights or duties of property. Was it not right to get rid of that contumelious and undeserved reproach? In his opinion, no measure was better calculated than this to promote that end, and he should give it his earnest support.

SIR J. B. WALSH thought that a Committee of that House was not the best means for arriving at a satisfactory conclusion upon the measure. The right hon. Baronet the Member for Ripon observed, he should carefully avoid entering into the technicalities embodied in the Bill, alleging that he was incompetent to deal with them. If the right hon. Baronet, who possessed great knowledge, and was endowed with great practical administrative talents, felt that this was a field into which he could not enter, every other Member, he thought, must arrive at a similar conclusion. But was this a question, affecting, as it did, the law of succession, on which they should be contented with divesting themselves of all responsibility, and place the decision virtually in the hands of the legal Gentlemen of that House? This was the natural result of the course the Government seemed desirous of pursuing in carrying the measure through a Committee of the whole House, without first referring it to a more close and searching investigation. The measure consisted of two parts, wholly distinct from each other. One part had come down from the other House, where it was introduced as a Government measure, and where it underwent most careful examination by the highest legal authority. But the remaining and the most important part had since been added, and it appeared to be introduced without any previous examination. It appeared to him, therefore, that they ought to be most careful in examining it, agreed as they were that some measure was desirable in the present state of the encumbered properties of Ireland to afford facilities for selling them. Two great principles should be carefully observed: first, that they did not attempt to cut the Gordian knot by sweeping away the existing rights of private proverty; and, second, to do nothing by a side wind to alter the law of succession to landed property. They must be cautious, in applying a particular remedy to a particular evil, how they suffered any infraction of that great principle to creep in without the deliberate consent of the House. As the Bill came down from the House of Lords, it appeared to be founded upon the principles that were observed in cases where property was dealt with by private Bills. In those Bills there was no implied consent. No rights could be destroyed without the persons in whom they were vested being aware of it. Everything proceeded upon most deliberate examination, the great principle being, that whilst relief was afforded to the parties, all other individuals should be protected. But the principle of the present measure was to substitute for this the expensive tribunal of the Court of Chancery; and it appeared to him that in its second part it deprived other individuals than the parties of all protection. In fact, it constituted a very serious invasion upon the rights of individuals; at least, if it were not an absolute attack upon private property, it would afford facilities for fraud, by which the rights of private individuals might be compromised. The present, too, was a time when it would be felt a great hardship to force sales of lands. A poor-law had been passed for Ireland in opposition to the opinion of all the Commissioners and Committees who had inquired into Irish affairs, which it was well known had, in many cases, acted almost as a confiscation of property. Would it not then be a great hardship and an intolerable injustice to follow up that measure, by which charges had been created which actually weighed down and destroyed the proprietors, by another for practically ousting them of their estates? He believed that if the rights of individuals were thus sacrificed by legislative means, instead of a foundation being laid for the security of property, they would extend still more widely the feeling of insecurity; capitalists would refrain from investing, and the springs of industry, which they were seeking to restore, would be destroyed.

Mr. OSBORNE said, the speech of the hon. Baronet the Member for Radnorshire, if made on the side of the landed interest of Ireland, was an able speech; but if it were taken as made with relation to a great public good, it was nothing but a one-sided *argumentum ad misericordiam* for the Irish landed proprietors. The hon. Baronet had cast rather an unfair slur upon the motives in which this measure originated. He did not himself usually give much credit to Her Majesty's Ministers; but on this subject he must say he believed them to be influenced by the best and the purest motives, because if there was one measure more likely than another to turn the landed proprietors against them, it was this. The hon. Gentleman the Member for Carlow (Mr. Sadlier) had shown that the law was so bad that it ought not to be suffered to remain in force one hour. The complaint, however, which he had to make against the present measure was, that very little account seemed to be made of time. Why, the House would scarcely believe that this very Bill, which had been declared to be a panacea for the evils of Ireland, had been mention- in three Queen's Speeches. In 1847, the

Lord Chancellor brought such a Bill into the other House, which was not passed, though discussed at great length, and declared by all the press, and nearly all the Irish Members, to be a very useful measure. It came down to the House of Commons, but in the month of July it was withdrawn; and what were the reasons why it was withdrawn? On the 5th of July, 1847, Lord John Russell said—

> "The first Bill to which I shall direct the attention of the House is the Encumbered Estates (Ireland) Bill, the Committee on which stands for this evening. The object and intention of that Bill would be found, I am convinced, very beneficial to the country; but, from late inquiries that have been made upon the subject, it appears that very great alarm has been excited by it. Not an alarm occasioned by the special provisions of the Bill itself, but by the contemplation of new powers being given by an extensive measure of this kind. It is said, by persons well qualified to speak upon the subject, and well qualified, also, to be entitled to attention, that several millions sterling, which have been advanced upon mortgages of estates in Ireland, would be called in if this Bill were passed."

So that, because certain parties were directly interested in hindering the passing of a useful measure, the public interests of Ireland were to be sacrificed! And what was the Bill of 1848? As sent in from the Lords, he must take leave to say it was a nullity. It professed to give facilities for the sale of encumbered estates by filing a petition instead of a Bill. But the hon. Gentleman the Member for the University of Dublin said it was much more expensive to proceed by petition than by Bill. Every Gentleman conversant with landed property must know that the last person interested in the sale of an estate was the first encumbrancer; he was, therefore, justified in saying the Bill, as it came from the other House, was a nullity. But it was a different Bill altogether as amended by the hon. and learned Gentleman (the Solicitor General); and the only fault he found with it was, that it was a separate measure tacked to the old measure brought in on the 10th of June. He regretted also to say that in its details the Bill was not so clear as the speech of the hon. and learned Gentleman. A good deal too much reference was made in it to the master's office, and to the Chancery courts. Any Gentleman acquainted with the chicanery and delay of the master's office in Ireland would say there was no great improvement made if it was intended to refer all subjects to the master's office. In his opinion there was but one sound way of proceeding, and that was, however it might be disliked, by the appointment of Commissioners to carry the Bill into effect. The object of this Bill was the sale of estates in small portions, and for this purpose two things must be done. Titles must be simplified, and the transfer of land made less expensive. He had lately had two solicitors employed, and was sorry to say that those solicitors did not hold out any hopes to him—and one was a first-rate conveyancer—that the transfer of land would be made cheaper by this Bill. He was not going to enter into its clauses; but he must say, that if you allowed lawyers, and those interested in the law, to eat up an estate, you committed some injustice in order to do a great public good. The safety of Ireland was at stake, and unless the law were altered in a summary way, there would be no property left. To making the transfer of land cheap, the stamp duties must be altered. This was distinctly recommended in the report of the Land Commissioners. English Members might be alarmed by this Bill; and if Ireland was in the same state as England, no man would recommend such a Bill as this; but the laws relating to land were at the root of all the evils affecting Ireland. In Ireland you had aristocratic institutions without an aristocracy. You had all the great proprietors not encumbered living in this country, and the few resident proprietors were embarrassed men, who tended to bring the aristocracy into disrepute, because they were obliged, from the nature of their position, to do harsh and selfish acts. Irish gentlemen were not worse than other men, but they were embarrassed; and one of the greatest boons that could be conferred on these gentlemen was a Bill having for its object to allow them to dispose of the whole of the interest of their estates. They were in that situation that they could not discharge the duties of their station. The Solicitor General had stated that there were 8,000 proprietors in fee in Ireland; but he maintained that it was impossible to find a spot of ground to build on for which you did not pay rent in some shape or other. He had seen calculations to prove that there was hardly one man in 100,000 who lived in his own house. He paid rent for it in some shape or other. There were so many people interested, that you could get no improvements. The House had heard something of the Irish Chancery; and the hon. Member for Carlow had given a little picture of the Irish Chancery, and alluded to returns which he (Mr. Osborne) had moved for. He did not move for the whole of those returns, because he was told they would cost 30,000*l.*; but if any Gentleman would go upstairs and see the size of those returns, he would say that the country which could make such a return could not be in a sound or healthy condition. The Right Hon. Anthony Blake, the Chief Remembrancer, was lately reported to have said, at a meeting for improving the law, that a Bill for clearing out the Irish Court of Chancery was more wanted than a Bill for improving the public health either in England or Ireland. Unless they did that, Ireland would always remain in the same state in which she now was. Taking the Exchequer returns, and the Chancery return, there was one million received in the courts, and only 5*s.* 4*d.* per cent per annum spent in the improvement of estates in Chancery. What was the opinion of the Master of the Rolls in Reynolds *v.* Reynolds? He said—

> "The gross mismanagement of estates in Ireland under receivers by Chancery is a matter of public notoriety, and there are few exceptions to the general rules of mismanagement."

It seemed that the only qualification for a receiver was to drain the pockets of the tenants, and not to care a straw how the estate was going on, so long as the rents were paid. In fact, the mismanagement involved the destruction of hundreds of human beings. Here was the case of a receiver in Chancery no later than December, 1847. He came up before Master Murphy to ask for money, that the tenants might improve their houses. The master said he was unable to give the money. Mr. Bury said—

> "That not only had the unfortunate people died of famine, but 360 of their bodies had been thrown coffinless into a hole."

The receiver said—

> "This is true; no less than 600 bodies of tenants have been thrown into holes or ditches."

This was on the case of O'Sullivan *v.* O'Sullivan, in the master's office, on the 1st December last. If such a state of things were allowed to continue, what could they expect but anarchy in that country, resulting in wide-spread ruin and desolation? In the case of the murdered Major Mahon, his estate had been in the hands of the Court of Chancery before he came to it; and it was debated among the tenants in the townland in which Mr. Roe's property was situate, whether it would not be better to shoot Mr. Roe, because then the estate would be put into Chancery, and they would pay no rents. They had been told that there was already land in the Irish market of the value of 4,000,000*l.* And why was that? Because the state of the law was so bad, the titles to land were so intricate, and transfer was so expensive. He would give a direct Parliamentary title, and he agreed that they must have a new registry of landed estates, as in Belgium. Wherever they saw a stringent law of entail, they saw the ill effects resulting from it. There was such a law in Spain—he believed the whole province of Andalusia was held by three proprietors; and the state of Spain was as bad as that of Ireland. But in Norway, where the population in 1819 was 910,000, there were 41,600 estates. In Switzerland there were small properties; and in the canton of Zurich the poor-rate was not more than 2½*d.* per head per annum. Belgium was a country of small proprietors. He might perhaps be told, "Look at France!" But he maintained that in France there was a most stringent law of entail, because every proprietor was in fact compelled to divide his land; and what was that but a most stringent law of entail? He observed that an hon. Gentleman, who was celebrated as a non-intervention barrister, seemed to deny this; but he said that any law which compelled a man to subdivide his property was in fact a law of entail. Mr. Pym, in his work on Ireland, took precisely the same view, and proved that the effect of subdivision was nothing more than the most mischievous law of entail. He wanted to know what hon. Gentlemen meant to do when they talked about the danger of this Bill? Would any one say that it was possible for Ireland to remain in the state in which she was at this moment? No grants of landed proprietors, no loan of money, no artificial stimulants to create labour for Ireland, would be of any use whilst you had the law of real property in the state in which it was. If you meant sincerely to eradicate crime, you must go a long way in destroying the law of property in Ireland; and it was the bounden duty of the House to adopt such measures as would create a race of small proprietors in Ireland. He did not care a farthing whether they were Roman Catholic or Protestant proprietors, and the people of Ireland cared very little what they were. He never found any dislike on account of religion, and he believed that there was a great deal more bigotry amongst the people in England than in Ireland. There was a Commission in 1841—nothing ever came of these Commissions—and what was the recommendation of the Landed Commission as to the sale of estates? It said—

> "It rarely happens that land is brought into the market in lots of small amount. Estates are so encumbered, that the expense which would attend dividing them deters proprietors from taking this course, although a larger sum would be received."

He was satisfied that by such a Bill as this you would raise the value of land in Ireland, and, which was of much greater consequence, that you would increase the cereal produce of the country. What did the report say?—

> "We believe that there are large numbers of persons in Ireland possessing a small amount of capital, which they would gladly employ in the cultivation of land, and a still larger number hold land for rent who would cheerfully embrace the opportunity of becoming small proprietors."

He thought that Ireland owed a deep debt of gratitude to the English Solicitor General for having stepped forward and given his attention to this measure: it was a step in the right direction. It was not for him to criticise the details of the Bill, and as a warm friend to Ireland he should give it his support.

MR. H. A. HERBERT would not follow the hon. Member for Middlesex in his excursions into Andalusia, the snows of Norway, or the swamps of Belgium. As he understood the meaning of this Bill, it was to enable encumbered estates to be sold as speedily as possible. He could not see how that interfered in any way with the law of entail. He believed that this Bill, if carried out, would prevent such a state of things as was represented in the digest of Lord Devon's Commission. He believed that this Bill, although it might not be a panacea for the evils of Ireland, would have a great tendency, if carried out, to increase the employment of the people. He believed it would have a tendency to equalise capital with labour. At the same time, he could not look at this Bill at all in the light of a Bill of pains and penalties against Irish landlords. He looked forward to other remedial measures, which by improving the state of the country generally, should tend to give peace to Ireland.

MR. F. O'CONNOR tendered his thanks to the hon. and learned Solicitor General for having introduced this Bill. In 1834 he had predicted in that House that the landlords would be brought to their present position, and he had told them that at last they would be obliged to apply to Parliament to do that which it was better to do by themselves. They looked upon their estates as of political value, and now they were obliged to give them agricultural importance. When once the people of Ireland had their own industry protected, they would not ask for a better political system. The landlords of Ireland had been long subject to the dominion of Irish solicitors, and the time was come when the House must act independently of landlords and attorneys. This Bill would raise the value of the land 50 per cent in the retail market. The hon. Baronet (Sir James Graham) had said, "Take care you do not produce a mortgage panic." It was likely that you would, but it would give a greater value to the estate mortgaged, and then it would be easy to have a transfer. There would be no difficulty in procuring ample mortgages as a substitute for those which might be called in.

MR. SHARMAN CRAWFORD observed that the question before the House was the instruction moved by the hon. Baronet that this measure be extended to England and Scotland. He intended to vote against the instruction, and he wished to state why. He thought it was manifest, from all they had heard of the different laws of England and Ireland, that it was utterly impracticable to frame a Bill which should contain provisions necessary for the double purpose, and therefore the Bill should be confined to Ireland, and suited to the circumstances of Ireland. If they agreed to the proposition of the hon. Baronet, they would be virtually dividing this Bill. The statement made by hon. Members of the distress to which landed property was subjected, justified this Bill: the greater the distress, the greater the necessity for this remedial measure. You could not remedy the evil of the charges upon land, except by improving the law by which property was held, affecting both the interests of the landlord and tenant. With these views, and anxiously desirous that this Bill should be carried into effect, he felt it his duty to oppose the Motion of the hon. Member, not that he conceived that the principle might not be extended to England.

MR. CALLAGHAN said, that there was one inconvenience which, he was assured, would arise from this Bill, and that was, so far from freeing the country from the charges and machinations of solicitors and attorneys, it would increase their influence. The bonds of 250*l.* constituted the great bulk of the charges on the estates of Ireland; the facility with which the lawyers would purchase these up, and run the property to expense, was beyond the ideas of Gentlemen who had spoken in the debate. He would remark to the House that not a single petition had been presented from Ireland either for or against the Bill, and that it was a measure for which the people of Ireland were not prepared.

Colonel DUNNE said, since the introduction of the Bill it had received alterations under the name of amendments, which had produced a total change in its character, and it was now a new Bill as compared to what it was when it was first introduced. It was not only now a new Bill, but a new principle was involved in it, and yet it had not been submitted to the Lord Chancellor, the Master of the Rolls, or any of the other high legal authorities in Ireland. He agreed perfectly with all the objects which the Bill sought to effect; but he was of opinion that the measure before them was calculated merely to precipitate, whilst it would not facilitate, the transfer of property in Ireland. With regard to the subdivision of property, and to selling estates in small portions, he believed that there was no country in the world in which the sale of estates in small portions was calculated to produce more mischief than in Ireland. The great writers on the subject in France, the very best authorities on the subdivision of property, had described the condition of the peasantry under the system of minute subdivisions being inferior to that which they exhibited before the revolution. He did not believe the Government ought to suppose the existence of any opposition to this measure on the part of the Irish landlords; and he was of opinion that if the Irish landlords and Irish lawyers had been consulted, a measure might have been adopted which would be satisfactory to all parties.

Sir LUCIUS O'BRIEN withdrew his Amendment.

House in Committe *pro formâ*, and resumed.

Committee to sit again.

CASE OF COLONEL OVANS.

Mr. G. THOMPSON rose to bring forward his Motion—

"That a Select Committee be appointed to inquire into the conduct of Lieutenant-Colonel Charles Ovans (of the Bombay Army) while British Political Resident at the Court of Sattara; and into the Proceedings of the Bombay Government, and the Court of Directors of the East India Company, in relation to certain Charges preferred against that Officer."

The Motion, he said, wore the aspect of a personal accusation; but he could assure the House that he had no feeling against the particular individual in question, and he altogether disclaimed any resentment towards that gallant officer. He had, indeed, never seen Colonel Ovans; and he was free to admit that all he had heard of his private character was to his advantage. Therefore in dealing with him he wished to be understood that he should do so only as the servant of the East India Company and of the Crown in the transaction. His object was less to attack Colonel Ovans than to attack those from whom he had received his commission on the occasion in question—conduct which had done a peculiar injury to the State of Sattara, and at the same time had sullied the character of British interests in India. The other reasons which actuated him to bring forward this charge were connected with the fate of the late illustrious person who lately filled the throne of Sattara. He (Mr. Thompson) had hoped that an impartial investigation would be given to those charges by the East India Company, and with that view he had first brought them under the notice of the court of that body. He had in doing so given every facility to Colonel Ovans for making his defence; and he had even furnished him with the documents on which the charges were founded. But they were negatived by the court in question; negatived, too, without a single one of them being gainsaid. He had next entertained a hope that the East India Company would at least be clement if they were not just; and that they would, in that character, have done something for the individual whom they had so deeply injured. But at two general courts held at the India House no answers were given to his application; and it was only on Wednesday last that he learned, from the speeches of the Chairman and Deputy Chairman of the Company, that it had been decided that the Rajah of Sattara, having been justly deprived of his throne for a violation of his treaty with the East India Company, was, therefore, not competent to nominate a successor to it. He (Mr. Thompson) consequently felt it to be his duty to show the House his grounds for disputing that decision in reference to the guilt of the Rajah of Sattara; and he considered the present Motion would do as well as any other for that purpose. His object was not punishment, but the correction of a grievous error, and the prevention of persons in the situation of Colonel Ovans from committing such acts as he was prepared to prove against him. Since he had last addressed the House on the subject, Colonel Ovans had published an elaborate answer to the charges made against him, declaring them, in that document, utterly false and groundless. The gallant officer described in the same manner the charges of the hon. Member for Montrose. Nevertheless, he felt convinced that he could establish both to the very letter. Colonel Ovans also complained of persecution, and described it as vindictive and oppressive, because he had only executed the commands of the Government; but Colonel Ovans could not be relieved from the personal responsibility connected with truth and honour in his public capacity, whatever might be the commands of the Government. Colonel Ovans was appointed in 1837 to take charge of the Residency at Sattara, in consequence of the removal of Colonel Lodwick. He should pass over the circumstances connected with the removal of Colonel Lodwick, though, if the inquiry he moved for were granted, he should be able to show that he was removed on false pretences. It was entirely on a suspicion entertained by the Bombay authorities that Colonel Lodwick was not exactly the man to carry on those proceedings against the Rajah which had been already commenced, and which it was determined to continue, that Colonel Ovans was appointed, in consequence of his having more tact, dexterity, and energy. The day after Colonel Ovans took charge of the Residency, where, according to the treaty, he should have been the friendly adviser of the Rajah of Sattara, he authorised his staff officer to pay over to a native, whom he had never seen, 200 rupees for the production of certain documents purporting to inculpate the Rajah with treason. This he did without seeing the man, or asking him a single question, and authorised his staff officer to give this man a written engagement for further reward in proportion to his services—that was to say, in proportion to the amount of evidence he might bring forward to criminate the Rajah. The individual thus applied to repented of the part he had acted in the transaction, and made a voluntary confession to the Rajah, his master. He laid the money he had received from Colonel Ovans at the feet of his master. It was not till the depositions were furnished by Dr. Milne to the Bombay Government that Colonel Ovans acknowledged that he had thus suborned the evidence of the servant of the Rajah. It appeared that Colonel Ovans was cognisant of the connection of these natives with Liutenant Home and Captain Duval a month previous to the removal of Colonel Lodwick. He would ask the House whether the conduct of Colonel Ovans was such as any officer bearing Her Majesty's commission would be justified in adopting for the purpose of obtaining evidence against a prince at whose court he was accredited? The Indian princes, if such a course of conduct were adopted towards them, would be justified in considering the English residents at their courts as hypocrites and deceivers. While Colonel Ovans had acted in this manner, how had the Rajah acted? When he became acquainted with the attempts which Colonel Ovans had made to procure evidence against him through the means of Rowlheli, he sent for Colonel Ovans, and placed in his hand a letter deprecating the adoption of such proceedings against him, stating his firm friendship for the British Government, and petitioning the Government to relieve him of his Raj—to take from him his territory—but to allow him to retain his hitherto unblemished character, and not to offer a premium to those who were disposed by false evidence to deprive him of it. That letter had been transmitted to the Council at Bombay in 1837, and the Governor had made a minute that no notice should be taken of the communication, which appeared to betray on the part of the Rajah a degree of uneasiness proceeding from the consciousness of his guilt. The Rajah never received from the Bombay Government a letter even acknowledging that communication. Colonel Ovans, between the 16th of June, when he bribed the Rajah's follower, and the 27th of September, when he acknowledged what he had done, had written eighteen letters to Bombay, in none of which did he ever distinctly allude to treasonable papers received from that man. These papers had been placed in the hands of an English barrister, who had given it as his opinion that there had been established at Sattara a system of espionage—a sort of political inquisition—for the purpose of endeavouring, by means of rewards, to procure evidence against the Rajah. He knew the defence that would be set up for Colonel Ovans. It would be said that the 250 rupees which he authorised to be paid Rowlheli were for his expenses; but every one who knew India knew that so large a sum was enough to make a man in that country comfortable for life. He would now proceed with another charge. Evidence had been obtained against the Rajah by duress and imprisonment. In July, 1837, Govind Row had been arrested, and had been sent to Poonah, from whence he had been transferred to Ahmednugger, and imprisoned, and while he was imprisoned there a paper had been procured from him purporting to implicate the Rajah. It had been said that the friends of the Rajah had accused Mr. Hutt, the magistrate at Ahmednugger, of extorting this evidence. The friends of the Rajah had made no such accusation; they had never at all reflected on the character of Mr. Hutt. All he had been called upon to do had been to receive the confession which he (Mr. G. Thompson) contended had been extorted from Govind Row. It had been said that the truth of the confession of Govind Row had been proved by the circumstance that his mother had in Sattara made a confession, which corroborated in every particular the statement made by Govind Row at Ahmednugger; but Govind Row had in 1842 petitioned that House, and had stated that he had been confined at Ahmednugger in a low and dirty room, and that while so confined his uncle had come to him and told him that his life would be in danger by adhering to the truth, and that it would be far better for him to admit in writing that which the Bombay Government wished him to tell against his master. Now, the Parliamentary Papers proved that Colonel Ovans had recommended the removal of Govind Row to Ahmednugger, in order that his mother and his friends might be induced, by the hope of procuring his release, to come forward and state all they knew concerning the Rajah. This he (Mr. Thompson) contended was procuring evidence against the Rajah by duress and imprisonment. If a Committee were granted, he would undertake to prove that the only petition presented to the British Government was by the mother of Govind Row, seeking the release of her son, who was then imprisoned. That petition was forwarded to the Government on the 4th of August, by Colonel Ovans, and eventually complied with. A false petition was sent to the Government of Bombay. Colonel Lodwick was removed from Sattara for the sole purpose of being succeeded by Colonel Ovans, in order that the writer of this petition might be discovered. The actual writer of the petition communicated with Colonel Ovans a very short time after he had been at Sattara, informing him that he had forged the petition. [*An unsuccessful attempt was here made to count out the House.*] The nature of the charges he had to-night made against Colonel Ovans were well known to the right hon. Baronet opposite (Sir J. Hobhouse); and he (Mr. Thompson) considered that in justice to Colonel Ovans—in justice to the profession of which that gallant officer was a member—in justice to the Government of this country and of India—and in justice to himself (Mr. Thompson), by whom these charges had been preferred—a fair and full investigation ought to be granted. He (Mr. Thompson) might prefer, and believed he could substantiate, many other charges against Colonel Ovans, besides those to which he had to-night referred; but he would not longer occupy the time of the House, for he hoped the right hon. Baronet would assent to the appointment of the Committee for which he had moved. If the right hon. Gentleman refused to grant that Committee, he (Mr. Thompson) would throw himself upon the candour and justice of the House, and would entreat them to afford him an opportunity of proving his charges, and to give to Colonel Ovans—to the Members of Her Majesty's Government—and to the gentlemen connected with the East India Company—an opportunity of explaining their conduct with regard to the transactions to which he had referred.

Mr. ELLIOT said, that having passed the greater portion of his life in India, he trusted he might be allowed to offer a few observations on the subject now under consideration—that, if he ventured to obtrude himself upon the House, it was because he naturally felt a strong and lively interest in the welfare and happiness of the people of that country.

Before entering upon the subject itself he begged to direct the attention of the House to the extraordinary course pursued by the hon. Member for the Tower Hamlets (Mr. Thompson). Early in the

Session the hon. Member had thought proper to give notice of a Motion, the object of which was stated to be to inquire into the conduct of the Governments of India, and the Court of Directors of the East India Company, in respect to their proceedings in regard to the Rajah of Sattara. That Motion was brought on late on the night of the 6th April. The hon. Member made his speech, in which he did not hesitate to bring forward charges of a most disgraceful and heinous nature, against almost every public officer who had been engaged in the inquiry into the case of the Rajah of Sattara, both in India and in this country. His hon. Friend the late Secretary to the Board of Control (Mr. C. Lewis) replied to that speech, when, owing to the lateness of the hour, the debate was adjourned. The hon. Member for the Tower Hamlets, having thus placed his charges in the bitterest form before the public, took care his Motion should not come on again for discussion, by fixing it for the following Friday, and then, from one Friday to another, until at last he allowed it to drop; knowing full well that, by thus keeping it fixed for a Government night, the poison he had circulated must remain uncontradicted. Soon after this the hon. Member placed a fresh notice on the Paper, in which, for the first time, he included Colonel Ovans's name amongst those whom he had determined to attack. By adopting this course the hon. Member entitled himself to make two speeches against those to whom he was opposed, before those hon. Members who were desirous to defend the accused were able to reply to his first attack. He (Mr. Elliot) considered this a most unfair mode of proceeding; but what would the House think, after hearing the speech of the hon. Member to-night, when he (Mr. Elliot) told those who heard him, that though the hon. Member had once more charged Colonel Ovans with conduct which, if true, would prove him to be utterly unworthy of the honourable character he so justly bears, he had not had the candour to state, that since the hon. Member last addressed the House, Colonel Ovans had furnished a full explanation of his conduct in reference to the twelve charges brought against him by the hon. Member, and that that explanation contained complete refutations of every one of them; the hon. Member knowing full well that the length of those explanations made it impossible for him (Mr. Elliot) to attempt to read them to the House. In asking for this Committee, the hon. Gentleman had at all events succeeded in one thing: he had plainly shown, that for any Committee of this House to investigate this case was impossible; by his own showing, it would be impossible to obtain such evidence as would be necessary for such a purpose. The hon. Member first accused Colonel Ovans of such crimes as systematic subornation of perjury, and of being privy to the production of documents he knew to be forged — Colonel Ovans, an officer of the highest possible character, who, in every situation he has held, has been so fortunate as to obtain the marked approbation of the Governments he has served; and in no instances more than whilst filling the offices, first, of Commissioner to investigate the case of the Rajah of Sattara; and, subsequently, of Resident at the Court of that Prince. Having in these capacities received the most strongly expressed approbation of three Governments of Bombay; of two Governors General, and the Members of the Supreme Council; of the Court of Directors, and of three Boards of Control; Colonel Ovans, being a subordinate officer, and acting under the orders and authority of the Government of Bombay; it is proposed by the hon. Member—nine years having passed—to arraign him before a Committee of this House. This he (Mr. Elliot) believed to be an unheard-of proposition — such as he felt assured this House would never consent to. But were there no other difficulties in the way of such an inquiry? Why, if a Committee were appointed, it would occupy five or six years before their labours could terminate; and, after all, no satisfactory result could be obtained. Two of the persons accused, Sir Robert Grant and Sir James Carnac, were gone to another world. The Rajah and his successor were also dead. Witnesses must be summoned from India; and, in short, the inquiry, to say nothing of its injustice, would be endless.

He (Mr. Elliot) conceived that in bringing forward charges such as these, and in asking the House to take so extraordinary a course as was asked for by the hon. Member, he was bound to show that he was free from all personal interest in this matter — that he was free from all feeling of animosity towards those accused—that he was entirely free from all pecuniary interest in the success of his Motion; and, above all, that his accuracy was such as to give the House entire confidence in his statements. Now, he (Mr. Elliot) would take upon himself to show the reverse to be the case in each instance. He would begin with the last, and endeavour to test in some instances the accuracy of the hon. Gentleman's statements; in which he had charged the most base and disgraceful crimes against gentlemen of the highest position and repute. He would, if he were not afraid of wearying the House, read some of the numerous testimonials of honourable service and character, contained in the book which he held in his hand, and which formed a part of the papers laid on the table of the House; he felt, however, he could not do so without taking up too much time; he should, therefore, content himself by saying, that in the book he held in his hand there was a long series of official documents, containing, one more than another, honourable expressions of the most marked approbation of every Government and every authority under which Colonel Ovans had served.

Sir Robert Grant was in like manner assailed by the hon. Member, accused of intentional fasehood, and of having been guilty of subornation of perjury, and forgery. Sir Robert Grant! a gentleman known to every one who had ever heard his name as the most honourable, high-minded, and amiable man that ever existed, and as a person of all others who would have shrunk from conduct so detestable as that which the hon. Member would attribute to him. Sir James Carnac, the Members of the Government of Bombay, the Governor General, and the Government of India, are all guilty in the opinion of the hon. Member. Now, he (Mr. Elliot) would appeal to the House to say if it was not monstrous that such charges should be brought against such men. He would tell the hon. Member for the Tower Hamlets this—that such charges can never be injurious to men like Sir Robert Grant, whose name as a gentleman of high honour and public worth, would remain in the memory of his country after the hon. Member would be forgotten in the dust. ["Oh, oh!"] I hear some hon. Members say "Oh, oh!" but I tell all those hon. Members that they also will be forgotten before Sir Robert Grant ceases to be remembered as a gentleman of the highest honour. He (Mr. Elliot) was desirous to show the relative position in which the hon. Member for the Tower Hamlets stood in reference to the hon. gentlemen he so recklessly accused, and with this view he had taken some pains to ascertain what were the avocations of the hon. Member, and how he employed his time whilst in India, and why he so suddenly returned. An hon. Member asked what that had to do with it; he (Mr. Elliot) would soon show him what it had to do with it.

The hon. Member for the Tower Hamlets is, or was till lately, the paid agent of the Rajah of Sattara, and that of itself sufficiently showed the private interest which he had in this case; but he held in his hand a document that would show something more; it would show that the Rajah of Sattara was not the only native prince in whose affairs the hon. Member was willing to take an interest—in other words, for whom he was willing to act as a paid agent. It was not for him (Mr. Elliot) to say, whether this was a right and creditable position for a Member of that House to occupy: on that point he would give no opinion; but, in order that the House might understand the exact position of the hon. Member for the Tower Hamlets, he would take the liberty of reading the statement he held in his hand, and which he had received from a gentleman who had known the hon. Member when he was at Delhi, where the writer was then officially employed, and thus became fully acquainted with the particulars which it contains. He (Mr. Elliot) thought, if he could show that the hon. Member had, in conducting that agency, not been so accurate in his statements as he ought to have been, he might fairly infer that his accuracy could not be depended upon on the present occasion.

The statement was as follows:—

"On the return of the late Baboo Dewarka nauth Tagore to India, from his first visit to England, he was accompanied by Mr. George Thompson as a sort of itinerant philanthropist, who on reaching Calcutta made sundry speeches, at sundry meetings, which were only curious on account of the utter ignorance of Indian affairs which they displayed."

Mr. THOMPSON: Who is the author of that paper?

Mr. ELLIOT: He would give the hon. Gentleman the name afterwards:—

"Mr. G. Thompson had all but engaged to proceed to England as a sort of Oriental Philanthropist Agent, when his eye came across an advertisement circulated by the King of Delhi, calling for tenders of services from parties desirous to proceed to England to advocate his claims before the home authorities. I know not whether the advocacy of unfounded claims to large sums by one who knew the claims were frivolous, and all of whose present income was notoriously squandered in the grossest debauchery, could be said to come within the province of a general, or even special, philanthropic agency; but, be that as it may, it certainly suited Mr. G. Thompson's book, and the claims of his philanthropic friends in Calcutta were set aside, to meet his Majesty's requisition. Mr. G. Thompson replied by letter to his Majesty's advertisement; upon which his Majesty deputed his chief physician, Hukeem Aihsoon oollah Khan, to proceed to Calcutta as his confidential agent, with full authority to come to terms with Mr. G. Thompson. On his arrival in Calcutta, Mr. G. Thompson drew up written terms of agreement, wherein he undertook to proceed to England as his Majesty's vakeel (that is, agent or advocate), and his Majesty undertook to advance 5,000 rupees for the expenses of his journey to Delhi; and on his arrival there a further advance of one year's salary as his agent, at 1,000 rupees per mensem, namely, 12,000 rupees. This was all that his Majesty stood pledged to by the express terms of this bond (which purported to be drawn up to prevent future misunderstanding). On Mr. G. Thompson's arrival at Allahabad, by one of the Ganges steamers, he intimated his wish that a house might be prepared for his arrival at Delhi. This surprised his Majesty, as being in excess of his own written agreement; the palace of the late Begum Sumroo was, however, with some difficulty, provided for him, where Mr. G. Thompson had no sooner found shelter, than his Majesty was required to provide both table and servants; and a subsequent demand of 200 rupees per mensem, for table expenses during the journey from Calcutta, was made, and most reluctantly acceded to. His Majesty soon became impatient for his vakeel's departure on his embassy; but Mr. G. Thompson demanded and obtained a further advance of 1,000 rupees per mensem for the period of his sojourn at Delhi, which his Majesty most reluctantly paid as the only means of inducing him to start; Mr. G. Thompson's sojourn at Delhi was made memorable by the daily squabbles in the palace between His Majesty and the different branches of the Royal Family, and household servants, whom his Majesty obliged to pay their several quotas towards filling the Thompson purse.

"On Mr. G. Thompson's arrival in England, he submitted his Majesty's claims before a duly assembled meeting of the proprietors, at which it appeared, by the outlines of the debate received by the mails, that Mr. G. Thompson made use of such intemperate and indiscreet language as to call down upon him the severest rebuke from the Chairman, Mr. Shepherd. By the same mail Mr. G. Thompson forwarded to the King a newspaper, the *Indian Advocate*, supposed to be edited by himself, containing a full report of a totally different version of the debate, together with an accompanying letter from himself, wherein he claimed great credit for his complete success, and reminded his Majesty of the promised remuneration for the same. His Majesty was at the Cootub, distant twelve miles from Delhi, when Mr. Thompson's despatch reached him, and he forthwith ordered a royal salute to be fired from his camp, in commemoration of Mr. G. Thompson's victory!! His Majesty furthermore sent an express to Delhi, directing the Nazir of the Palace to report to the commandant of Palace Guards his intention to fire a royal salute from the palace for the same cause. The commandant explained to the Nazir that his Majesty must be under considerable misapprehension, for that all reports of the debate seen by him gave quite a different view of the state of the case. The Nazir, being much surprised, suspended the salute, and reported accordingly to his Majesty, who, early next morning, sent his Minister with a printed newspaper, received from Mr. George Thompson, containing this very peculiar report of the debate. The Minister furthermore detailed the full confirmation of his success, as given by Mr. Thompson in his accompanying letter. The newspaper in question was headed by sundry cock-and-bull mottoes, such as "liberty to slaves," &c., and suchlike trash. All of which the commandant of Palace Guards, most faithfully translated to his most despotic Majesty's most despotic Minister, much to his horror, if not to his edification. The Palace salute was never fired; and I think I may safely affirm that Mr. G. Thompson never pocketed another stiver of his Majesty's money. [*A laugh.*] The above detailed facts are vividly impressed on my memory, and I give them without hesitation as they occur to me.

"Other copies of the report of Mr. Thompson's version of the debate were also sent by him to natives of rank, fifteen, if I mistake not, in number, probably with an eye to their becoming profitable customers. [*A laugh.*] The King having conferred the title of Ambassador upon Mr. G. Thompson, and thereby enlisted him, as he imagined, in his sole employ, was much surprised and annoyed on finding that he had also become the paid Agent of the Rajah of Sattara. His Majesty was also much annoyed by Mr. G. Thompson, soon after his arrival in England, forwarding repeated demands for large sums of money said to be required for copyists; whereas the 100*l.* per mensem was, under Mr. G. Thompson's own handwriting in his agreement, to have covered all demands, except the reward for ultimate success. The King's reply to Mr. Thompson's claim to a reward for the success of his exertions was, that he only awaited the official confirmation thereof, to evince his full appreciation in a pecuniary form; which confirmation, I need hardly say, never came."

He (Mr. Elliot) would now state that this statement was given to him by Captain Angelo, the commandant of Palace Guards at the time these occurrences took place.

Mr. BERNAL OSBORNE: Who was the writer of that letter?

Mr. ELLIOT: It was not a letter, but a statement which he (Mr. Elliot) received from Captain Angelo.

Mr. BERNAL OSBORNE: I want to know who wrote it.

Mr. ELLIOT: The statement was written and signed by Captain Angelo himself; and if the hon. Member succeeded in obtaining his Committee, the gallant officer would be prepared to substantiate it. He (Mr. Elliot) thought he had now given fair proof of the inaccuracy of the hon. Member for the Tower Hamlets, but he had not yet done with such proof.

The hon. Member, in the speech which he made in this House on the 6th of April, had given the House to understand that the Rajah of Sattara had, as a matter of right, succeeded to the Raj. He had dwelt much on his descent from Seevajee, and had endeavoured to persuade hon. Members, that being an independent prince the British Government had no right to remove him from his throne. Now, how did this really stand, and what was the actual position of the Rajah? The British arms had conquered the Mahratta empire, and the British Government had at that time a perfect right to dispose of the whole country as they might think best. They might have retained the Sattara territory in their own hands, or they might, for political or other reasons, have put any one or no one, as seemed best to themselves, on the throne. Thus situated, they chose to place Pertaub Singh in possession of that Raj: no doubt they may have been influenced to do so by reasons of policy, and a desire to do that which they considered likely to be agreeable to the Mahrattas; but he (Mr. Elliot) would show the House how far the hon. Member was borne out in his statements of the claim he had set up for the independence of the Rajah. He held in his hand the treaty to which the Rajah subscribed before he was placed on the Guddee, and he would read to the House two or three articles of that treaty; hon. Members would then form their own judgment. First—

> "The Rajah, for himself and for his heirs and his successors, engages to hold the territory in subordinate co-operation with the British Government, and to be guided in all matters by the advice of the British agent at his Highness's Court."

He (Mr. Elliot) wished to know what the words "subordinate co-operation" meant in this article? and how it was that he was a perfectly independent prince when he was bound to do nothing without the concurrence and approbation of the British Resident?

Another article, the fifth, states that—

> "The Rajah, for himself, his heirs and successors, engages to forbear from all intercourse with foreign Powers, and with all Sirdars, Jagheerdars, Chiefs and Ministers, and all persons of whatever description who are not by the above articles rendered subject to his Highness's authority. With all the above persons, his Highness, for himself and his heirs and successors, engages to have no connexion or correspondence; any affairs that may arise with them relating to his Highness are to be exclusively conducted by the British Government."

And he must now request the particular attention of the House to the concluding paragraph of this article, which he thought could not fail to show how far the Rajah was in a position independent of the British Government. That paragraph was as follows:—

> "This article is a fundamental condition of the present agreement, and any departure from it on the Rajah's part will subject him to the loss of all the advantages he may gain by the said agreement."

In other words, would subject him to deposition.

Now what is the Rajah's case? For several years after he was placed on the Guddee, he conducted himself entirely to the satisfaction of the British Government; and they in their turn did all in their power to evince their approbation and regard, by such attentions and marks of courtesy and regard as are most acceptable to native chiefs or princes. Amongst other things, as was formerly stated by the hon. Member for the Tower Hamlets, a complimentary address and a sword were sent out to him from this country.

But the time at length came when the Rajah, having fallen into the hands of interested and designing men, was induced to change his course, and to enter into intrigues which could only lead to his ruin. At last he was charged—first, with holding an intercourse with certain persons at the Portuguese settlement of Goa, of a nature inimical to the British Government; next, with holding similar intercourse with the ex-Rajah of Nagpore, and latterly with the Government of Nepal, where he was proved to have an agent, though that Power was on the brink of a war with our Government; and, thirdly, he was charged with endeavouring to corrupt three native officers belonging to the 23rd Bombay Native Infantry.

Now, the truth of all these charges is denied by the hon. Member; but how does he endeavour to prove his case? Does he deny that there is ample evidence to substantiate their truth? No! he does not follow this course, because he knows full well that there is much more than ample evidence to prove it; but he resorts to the old Indian expedient—an expedient practised by all the lowest native vakeels or pleaders in India—of calling out perjury against every witness, and forgery against every document. Yes, the hon. Member does not hesitate to imitate in this respect the lowest native pleaders in the lowest courts of justice in India, in a custom so common amongst that class, that in the year 1807, if he (Mr. Elliot) remembered rightly, the Government found it necessary to pass an Act declaring that no charge of perjury should be instituted, unless with the sanction of the judge before whom the case was tried.

But the hon. Member went further—he was not content to charge witnesses with perjury, and all the documents as being forged; but he did not hesitate to accuse Sir Robert Grant, Colonel Ovans, Sir James Carnac, and the members of their councils, of being all so influenced by a desire to persecute the Rajah, as for this object to become suborners of perjury and forgery! The Governor General, Lord Auckland, and all the Members of the Supreme Government of India—the Court of Directors and the Board of Control—may also be said to be included in this charge, as also of having come to a decision in this case without doing more than reading the Minutes of Sir Robert Grant, and consequently without understanding the case. He (Mr. Elliot) would again ask the House if it was not monstrous, that any hon. Gentleman should stand up in this House, and bring such charges as these against such men?

The hon. Member, having followed this course, appealed, when last he addressed the House on this subject, to the opinions of two persons, and two persons only, among the many who had been employed in this inquiry in India. The first of these was Mr. Shakespear, whom he justly represented as a high-minded, honourable man, well qualified to form a just opinion in a case of this sort. The hon. Member could not be more desirous than he (Mr. Elliot) was to bear testimony to Mr. Shakespear's high character and abilities; but the hon. Member, when he set Mr. Shakespear's opinion so prominently before the House, was bound in candour to tell at what time the Minute containing his opinion was written; and no doubt the House would now be somewhat surprised to hear that Mr. Shakespear had died three years before the investigation into the Rajah's case was brought to a conclusion.

Mr. THOMPSON: I only referred to Mr. Shakespear with reference to the charge connected with the Soobadars.

Mr. ELLIOT did not care to what the hon. Member referred. He quoted Mr. Shakespear as a great authority in this case, and he did not think it necessary to tell the House that Mr. Shakespear had died three years before the case was brought to a conclusion. He would now proceed to the hon. Member's second witness, Colonel, now General, Lodwick. Colonel Lodwick was Resident at Sattara prior to the commencement of the inquiry, and was afterwards joined with Mr. Willoughby, the Chief Secretary to the Government of Bombay, and Colonel Ovans, then Quartermaster-General of the Army, in a Commission, of which, being senior officer, Colonel Lodwick was president, to investigate the charges against the Rajah. Colonel Lodwick then, having held these high and responsible offices, is, as the House was informed by the Hon. Member on the 6th of April last, ready to appear before a Committee of this House, to bear his testimony in favour of the Rajah. Sir, whenever I see General Lodwick in that position, I will believe that this is possible; but till then the hon. Member must excuse me if I refuse to believe that any British officer will ever be found to place himself in so extraordinary a position as the gallant officer would be in were he so to act. He (Mr. Elliot) would now read to the House, first, a part of the evidence given by Colonel Lodwick, as president, before the Commission assembled at Sattara; and, next, a part of the report, which he, as president of that Commission, had signed. This is his evidence:—

> "In the month of June, 1836, it came to my knowledge that his Highness had appointed an agent to proceed to England, to represent his claims to the Home authorities. Requesting an interview, I pointed out the impropriety of this, as he had not consulted me on the subject, as I conceive he was bound to do by the treaty; and as the right hon. the Governor had at that period assured his Highness that his case was before him, and that no delay would take place in submitting his case to the Court of Directors, and that eventually every consideration should be paid to his case, from that period an almost hostile disposition had been evinced towards me by his Highness, and he now scarcely ever consults me on any subject, and acts as he pleases, as if he were independent of the treaty and all control."

Colonel Lodwick is then asked—

> "The British Government raised the Rajah from a prison to a throne; do you think he is now or has ever been embued with those feelings of gratitude and attachment natural to a person so situated?"

Colonel Lodwick answers—

> "Whenever I have treated on the subject to his Highness, which has frequently been the case, he

has always expressed gratitude to the British Government; but latterly his conduct has certainly not corresponded with his professions; he considers himself an injured prince; this I attribute to his having a few interested and bad advisers, who never transact business with me, but have unbounded influence over his Highness's mind, which I conceive to be exceedingly weak. His Highness is more gratified by flattery than common sense. Balla Sahib, and Nana Sahib, who have always been the medium of communication between the Rajah and the Resident, appear to me to have lost their influence; and on several occasions when I explained to them the mistakes his Highness committed, in not consulting the Resident, they appeared perfectly sensible as to the fact, but admitted they had but little influence over the Rajah."

Question—

"In what way does his Highness consider himself to be an injured prince?"

Colonel Lodwick answers—

"In not having his claims above alluded to instantly attended to by the British Government, and on being prevented by the Resident from oppressing his Jagheerdars, who were, equally with himself, under the protection and guarantee of the British Government."

Again, lower down, Colonel Lodwick was asked—

"The Commission believe that, up to a very late period, the authorities in this country, and in England, have been led to form a very favourable opinion of the character and conduct of his Highness the Rajah; can you account for the change that unhappily seems to have taken place?"

Answer—

"I attribute it to his having attached himself to two persons in particular, Bulwunt Ron Chitnaees, and Abba Parisnees, who are generally reputed to be corrupt. They are in his full confidence, and they abuse it, and it has long been the general opinion at Sattara that they would be the cause of his ruin."

Further down Colonel Lodwick is again asked—

"Are you intimately acquainted with the person whose evidence was taken at the last day's meeting, whose name has not been recorded?"

Answer—

"I have been very intimate with him since I have been at Sattara, whenever he visits the place; and, from his extremely high character and influence over the Rajah, I have been enabled to carry points and settle disputes which I should hardly have been able to effect without him.

Question—

"From your knowledge of his character, have you full confidence in his veracity?"

Answer—

"Yes, I have, as far as in any native of India I have ever known. His former intimacy with, and the confidence reposed by most eminent men, now in England, are the best proofs of his high character."

This was the evidence on oath given by Colonel Lodwick before the Commission, in his capacity of Resident. He (Mr. Elliot) would now proceed to read the finding of the Commission, of which Colonel Lodwick was chairman, upon the charge of the Rajah having been engaged in an attempt to corrupt and seduce from their allegiance three native officers of the Bombay 23rd Regiment of Native Infantry. Here is the paragraph containing the opinion of the Committee on that charge:—

"We do not consider it to come within our province to enter upon the grave and important questions as to how his Highness's conduct should be noticed. He has acted most culpably, and his guilt is enhanced by the important benefits he has received from the British Government. However ill directed, his aim was certainly towards that part of our system which constitutes either our greatest strength or weakness; but we trust that, as far as the magnitude of the interests involved in this question will admit, his conduct may be mercifully considered."

He (Mr. Elliot) was aware that the hon. Member for the Tower Hamlets had stated, that General Lodwick now said he never regretted anything so much as having signed that report. Very likely it might be so—but he (Mr. Elliot) would call it to the attention of the House, that Colonel Lodwick was the hon. Member's own witness; and that here, first in his sworn evidence, he gives you the real reasons why the Rajah was hastening to his ruin, namely, that he had yielded himself up to the guidance of intriguing and interested men—that he was a man of weak intellect—and that, like other native princes, he was open to flattery, and inflated with notions of his own consequence. Here, then, are the causes of the commencement of his misfortunes, which were only brought to completion when he fell into the hands of European agents.

In order that the House might judge of the powers of the Rajah's mind, he (Mr. Elliot) would read to the House a part of the deposition, before the Commission, of the witness whom Colonel Lodwick describes as so respectable and trustworthy a man in the evidence I have just read. This witness says—

"I believe the Rajah to be mad. About six months ago, a man named Dixshut informed his Highness that he would introduce him to the ghost of his deceased Dewan (minister). His Highness, with four or five other persons having assembled together, Dixshut went into another room and sent the ghost to the Rajah. The pretended ghost sat down and conversed with his Highness for about three hours. His Highness informed me of this himself; and when I told him he had been deceived he denied it, and said he must give the ghost a dinner. [*A laugh.*] He has given Dixshut 9,000 rupees on account of this ghost. About six months ago, he also told me that a sword belonging to the Bhonslah had been sent to him, which had the virtue of apprising the possessor whether what he took in hand would succeed or fail, by turning either to the right or left."

This, then, is the character given of the power of the Rajah's intellect by the person whom the hon. Member's own witness, Colonel Lodwick, represents to be a trustworthy man; and he (Mr. Elliot) would say a more proper subject for the designs and intrigues of ill-disposed men could scarcely be found.

He (Mr. Elliot) must say one word more as to General Lodwick and his evidence. He had already said he would not believe that any British officer would come before a Committee of this House to declare exactly the reverse of what he had deposed to upon oath elsewhere; but, supposing such a thing possible—supposing General Lodwick were to follow this course, then he (Mr. Elliot) would have no difficulty in deciding to which to give credit. If General Lodwick appeared to give evidence here, contrary to what Colonel Lodwick had given before the Commission, then he (Mr. Elliot) would be compelled to give a preference to the evidence given on oath by Colonel Lodwick, at a time when everything was fresh in his mind and recollection, and when speaking under the heavy responsibility of his public position, to any contradictory statement he might now make after his removal from his appointment.

These, then, are the two witnesses the hon. Member calls to support his case. Mr. Shakespear, who died three years before the inquiry terminated, and Colonel Lodwick, who has now been shown to have given the strongest opinions against the Rajah at the time he was engaged in the high and responsible situations both of Resident and of President of the Commission.

But he (Mr. Elliot) would refer to other authorities equally honourable and equally qualified to give an opinion as Mr. Shakespear, even had his report been made at the conclusion of the inquiry.

He would first name Mr. Robertson, at that time a Member of the Supreme Government of India, and who afterwards succeeded Lord Metcalfe as Lieutenant Governor of Agra. Mr. Robertson is a gentleman who, having been brought up in the judicial line of the civil service, had passed through all the grades of that line, and had finally filled the situation of a judge of the Sudder Dewannee Adauluts, or head native court of justice in Bengal. This being the highest judicial situation to which any servant of the Company can attain, Mr. Robertson was, then, a person well calculated to form a judgment in a case of this description. He had, from his youth upwards, been accustomed to sit in courts of justice, and to weigh and sift native evidence; and he had besides held political offices which gave him an insight into the intrigues and customs of native courts. Now, what says Mr. Robertson? He is now in England, and he (Mr. Elliot) is authorised by that gentleman to state that he never took more pains to make himself master of any case that had ever come before him in his judicial capacity—that he made notes and memoranda of the whole evidence; and, indeed, his minute in this blue book shows this to have been the case—and that he can safely say he never remembers passing sentence upon any man of whose guilt he was more thoroughly satisfied than he was of that of the Rajah, or of the entire justice of the order by which the Rajah of Sattara was deposed.

But is Mr. Robertson's a solitary opinion? Not at all: he (Mr. Elliot) would, if it were not from an unwillingness to fatigue the House, read part of the minutes of Mr. Bird, who, like Mr. Robertson, having been employed in the judicial service of the East India Company during a long life, had subsequently passed into the Supreme Council. Mr. Bird's convictions of the justice of this proceeding were as strong as Mr. Robertson's, he from his education and habits being also peculiarly fitted to form a judgment on such a case.

Again, General Morison, then a Member of the Supreme Government, and now a Member of this House, has recorded his sentiments as strongly as his colleagues; and he (Mr. Elliot) will be bound to say, that in every instance, if hon. Members could read the minutes of the distinguished persons whom the hon. Member has attacked, whether at Bombay or in Bengal, they would be struck, not only with the clear and able manner in which they are drawn up, but also by the strong and anxious desire they evince throughout to deal leniently and kindly by the Rajah.

The hon. Member for the Tower Hamlets has complained that the Rajah has been condemned without a trial. Why, certainly, if the hon. Member meant that he had not been brought as a criminal before a court of justice, the hon. Member has ground for his assertion; but if the hon. Member has picked up any information about the natives during his stay in India, he knows as well as he (Mr. Elliot) did that the greatest indignity the Government could have put upon the Rajah would have been to have dragged him before a court of justice. He ought to know, that even to summon the Rajah as a witness in a court of justice would have been an indignity, according to the notions of the natives of India, such as the Government could not have put upon him.

But, had it been possible to pursue such a course, it would have been inapplicable to the present case, which is one of a political and not of a judicial character. A subordinate State in alliance with the British Government is taxed with a breach of treaty, and of pursuing a course not only in violation of that treaty, but of a directly hostile nature, and of so rendering its Rajah liable, under a specific stipulation of the treaty, to deposition.

The hon. Member has tried to show that the course pursued towards the Rajah differs from that pursued in similar cases; but this is directly the reverse of the truth. The same course has not only been pursued in the cases of other States, but it is actually the course adopted by the Government towards its own servants, however high or distinguished their position. In all cases where delinquency is charged against a civil servant, a Commission is appointed to investigate the charges brought against him on the spot. There is a specific regulation of the Indian Government prescribing this mode of inquiry. [*Here Mr. Thompson shook his head.*] The hon. Member shakes his head; but he (Mr. Elliot) appealed to two hon. Directors of the East India Company, whom he saw opposite, to say if he was not correct. [Mr. PLOWDEN and Sir JAMES HOGG: Hear, hear!] And the only difference is, that in the case of the Rajah he was allowed to remain on the spot during the investigation, whereas in that of a civil servant he would be removed from the station where he has been in authority; because, it is justly believed, that so long as the natives suppose he may still continue to exercise that authority, they would withhold all information which would be likely to tell against him; and he (Mr. Elliot) could say, he had never heard of any instance in which injustice had been thus inflicted on the accused. The Rajah, then, had this great advantage, that he was allowed to remain on the spot, and to avail himself of that influence which would have been denied to a gentleman being a civil servant of the Company. Instead, then, of there having been no trial, his case had undergone the strictest inquiry, and had been thoroughly sifted by men most competent to form a correct judgment on its merits, no pains being spared to arrive at the truth.

In cases, also, where the head native officer of one of our courts is accused of having been concerned with his chief in conduct which would warrant an inquiry, a similar course would be pursued towards him. He (Mr. Elliot) therefore thought he had sufficiently shown that there was nothing unusual in the mode of inquiry adopted in this case, and that he had in this instance again established the inaccuracy of the hon. Member. Now he would be glad to know how a Committee of this House would deal with a case of this sort. He warned the House that they would bitterly repent the day when such a course should be taken: two of the accused Governors were dead; the Rajah himself and his successor were dead. The witnessess (those who may yet be alive) are in India, and speak a language nobody in this House understands. The Members of the Committee would be totally ignorant of the habits and customs of the people with whom they would have to deal. It would be an inquiry of five or six years' duration, and attended with an enormous expense, and no possible good would result from it; whilst, on the contrary, he (Mr. Elliot) was sure that it was a course more calculated than any other to entail the greatest imaginable calamity on the natives of India. Why, what, he asked, had been the Rajah of Sattara's greatest misfortune? It was that he had first fallen into the hands of designing men of his own country; and then his ruin was completed by the employment of European agents. It is well known to every man who has been long in India, that for a rich native to fall into the hands of unauthorised European agents is the never-failing road to his ruin; and, when he (Mr. Elliot) said this, his opinion did not stand single or alone. He held in his hands the recorded opinions of the highest authorities on this subject, which he only wished he had time to read to the House: he should, however, content himself with naming a few. First, there was a warning from Mr. Mountstuart Elphinstone, when he placed this unfortunate prince upon the throne, in which he urged him to beware of ever falling into this snare.

The hon. Member had quoted Sir John Malcolm as a great authority, and he was right in doing so: he held in his hand a case somewhat similar to the present, in which Sir John Malcolm had been officially engaged, and in which he expresses his conviction that the interference of unauthorised Europeans in the affairs of native princes and chiefs is the greatest calamity that can befall them; his words are—

> "That there exists not, amongst the difficulties which must ever attend the administration of the empire, one more likely to promote general corruption and intrigue, or which is more calculated to hurry princes and chiefs to their ruin, than that impression which low and interested men create and maintain, of their being able to appeal in political matters beyond the local government under whom they are placed."

Sir James Carnac had also placed a similar opinion on record; and Colonel Ovans had never ceased to bring to the notice of the Government of Bombay the certain ruin that must ensue to the Rajah from the interference of those agents, whose evident interest it was to foment and keep alive every feeling in the Rajah's mind which tended so much to their own advantage. He (Mr. Elliot) would then repeat, that every person who possessed any Indian experience knew this fact, that unauthorised European agency was the greatest curse that could be inflicted on the native princes and chiefs of India. He (Mr. Elliot) was sorry to detain the House, but there was yet one more subject he was desirous to mention as affording further evidence of the hon. Member's inaccuracy and unworthiness of trust when making these sweeping accusations; it was this: there had been at Sattara a considerable disturbance regarding certain papers said to have been forged; and on the part of the Rajah an accusation or insinuation had been thrown out that the forgery was committed with the connivance of Colonel Lodwick. The hon. Member referred to this matter at a meeting of the Court of Proprietors held on the 29th July, 1842. The hon. Member then read what he stated to be copies of the papers connected with this matter; and, in the papers so read by the hon. Member, Colonel Ovans's name had been inserted instead of Colonel Lodwick's as the instigator of the forgeries, though the forged papers were dated in 1836, and Colonel Ovans did not go to Sattara till 1837. Now, the charge, whether applied to Colonel Lodwick or Colonel Ovans, was equally incredible and absurd; but why, when it was considered of sufficient importance by the hon. Member to bring such a charge to the notice of the Court of Proprietors, was Colonel Ovans's name substituted for Colonel Lodwick's?

MR. G. THOMPSON: It was only the name that was wrong.

MR. ELLIOT: It was only the name that was wrong! Why, of course, it was only the name that was wrong; and is that not enough? He would ask how hon. Members would like their names to be so dealt with, and thus to have a charge of such a disgraceful nature imputed to them instead of to some other person? Why, this was all he (Mr. Elliot) wanted to show. All he wished to make clear was, that the hon. Gentleman's statements were so utterly inaccurate as to make it impossible for this House to put such confidence in them as would warrant their listening to such an extraordinary proposal as he had made to the House.

Now he would refer to another statement of the hon. Member, which he made on opening his speech of the 6th of April. He then said that he appeared on behalf of a bereaved family, who had been left without any support from the Government, and were in such a destitute state as not to be able to pay for the funeral obsequies of the deceased Rajah. This, he must say, was a very fine appeal to the feelings of the House; but what was the fact? Why, there were but two persons belonging to the Rajah's family, his widow and his daughter; and the widow has 1,000*l.* a year, and the daughter 500*l.*, these sums being equal in India to double the amount here. But this is not all. Besides this, Mr. Freer, the Resident at Sattara, has reported since the Rajah's death that he has left property in jewels and cash estimated to amount to about 43,000*l.* And this is what the hon. Member has represented as absolute destitution and distress! But, if the Rajah was in distress, it might easily be accounted for. He had entered upon intrigues and employed agents at Goa, Nagpore, Nepal, and Bombay, and his expenses must no doubt have been very large. It was shown by Colonel Ovans, on an examination of his accounts, that up to only the year 1839 a sum of no less than 36,000*l.* had been sent to pay the Bombay agents, Dr. Milne and others. It would not have been odd if, under these circumstances, he had been found destitute when he was deposed.

Mr. HUME: Hear, hear!

Mr. ELLIOT: The hon. Member for Montrose might cheer; but he repeated, that, if the Rajah was called upon to supply proportionate sums to satisfy his agents at the other places, his ruin might well follow. The 36,000*l.* was for Bombay alone, and only up to the year 1839. He would now refer to another inaccuracy of the hon. Member for the Tower Hamlets. In a speech which he made at the India House on the 18th March, 1846, he had stated what purported to be a conversation said to have passed between the Rajah of Sattara and the Governor General's agent at Benares, Major Carpenter, in the year 1845. The hon. Member, in introducing the paper which contained this conversation to the Court of Proprietors, designated it as "a paper of singular character;" and he (Mr. Elliot), before he had done, would, he thought, show the hon. Member to have been entirely justified in using that term. He regretted the length of this paper was too great to admit of his reading it to the House. He would, therefore, only state that its contents were of a nature to show, in the opinion of the hon. Member, that Major Carpenter had held language to the Rajah during the conversation in question which would bear the character of an offer of concessions from the Governor General, such as would only have been made under the conviction, on the part of the Government of India, that the Rajah was innocent; and the hon. Member did not hesitate to insinuate that thus an attempt at a compromise had originated with the Court of Directors.

Mr. THOMPSON: No, no!

Mr. ELLIOT: He would read the hon. Member's own words, and then there would be no doubt as to his meaning:—

> "It will be admitted, I think, that this is both a singular and important document. The hon. Chairman will probably be able to throw some light upon it; for I cannot help thinking it must be in some way connected with the deliberations which have taken place under this roof. As I have ever found the Rajah scrupulously cautious and correct in all his communications, I cannot doubt the substantial accuracy of the papers now in my hand; neither can I suppose that the Governor General's agent would send for his Highness, and hold such a conversation as is here reported, without some previous correspondence with the chief authorities in India. It is quite impossible to believe that such counsel as is here tendered to the Rajah would be offered without some antecedent understanding with those parties who alone had the power to make the concessions the Rajah was advised to solicit. These are matters, however, which must and doubtless will be cleared up in due time."

He (Mr. Elliot) thought they were now effectually cleared up.

Mr. THOMPSON: Read on.

Mr. ELLIOT: He would read on if the hon. Member wished it:—

> "Assuming, as I feel authorised to do, that the contents of this paper are true, and that the highly respectable agent at Benares did not offer the advice referred to in entire ignorance of the feelings with which the Government would receive certain proposals from the Rajah, I am brought to the conclusion that the Government of India and the authorities here do not, any more than ourselves, entertain a doubt respecting the Rajah's innocence. Such propositions as are here suggested are wholly incompatible with the belief in the Rajah's guilt, and a conviction that an inquiry would justify the proceedings which have been carried on against him. If the contents of this paper be genuine, then there is an evident desire to prevent the further discussion of this question, and a disposition to buy off the Rajah, by conceding certain things—making him the petitioner for these concessions, and obtaining from him previously a declaration of his willingness to abandon all future claim upon the throne of Sattara."

These are the hon. Member's own words; and he hoped hon. Members would now listen to what he had still to say on this subject. The document presented by the hon. Member being new to the Directors of the East India Company, it was sent to India, with orders to the Governor in Bengal to give some explanation of its contents. The Governor General in Council—being as ignorant on the subject as the Directors—called upon Major Carpenter; and here is Major Carpenter's reply:—

> "The tone, and spirit, and meaning of the alleged conversation, thus minutely recorded, are so utterly at variance with the numerous consultations I have held with the Rajah regarding the general state of his affairs, that I must at once pronounce the greater part of the conversation stated to have passed between him and myself in September last purely imaginary; and to declare that the 'propositions' therein detailed were never then or at any other period, directly or indirectly, made by me to the Rajah of Sattara, either on my own responsibility or on the authority of the Governor General.
>
> "Still there is so much truth blended with misrepresentation in this document, and the motives and kind feeling by which I have been actuated towards the Rajah in the various conversations we have really held, with a view to an amelioration of his unhappy condition, are so strangely

perverted or misunderstood, that, in justice to myself, I am compelled to enter into a detail of circumstances which might otherwise appear irrelevant; at the same time, I desire not to impeach the veracity either of the Rajah or of his friends in England; for I am assured by his Highness that the whole affair has arisen from a mistaken interpretation of the object of his communications, and that the moment he became aware of the erroneous impression his letters had produced, which it appears he did in March last, he wrote to his vakeel on the 4th of that month to correct it."

Now this was the reply to the hon. Member's charge against the Governor General of India and the Court of Directors, and it is to be remembered it comes from the gentleman whom the hon. Member has taken care to designate as the highly respectable agent at Benares. Moreover, it is to be remembered that Major Carpenter was a gentleman attached to the Rajah, feeling strongly for his unfortunate position, and disposed to favour his cause, and, it may therefore be inferred, particularly averse to saying anything which might prove disadvantageous to him. Major Carpenter, after entering into some detail, finishes his letter of explanation with the following sentence:—

"I could say a great deal more on this subject, and it would occupy many sheets of paper to detail everything that has passed between the Rajah and myself, as he visits me generally three or four times a month, and sometimes more frequently; but I trust I have written enough to satisfy the right hon. the Governor General and the hon. the Secret Committee, that I am utterly incapable of compromising the Government I serve by making unauthorised 'propositions' of any kind, whether to the Rajah of Sattara, or to any other person confided to my charge."

Now, then, he (Mr. Elliot), like Major Carpenter, had no desire to charge the hon. Member for the Tower Hamlets with wilful or intentional mis-statement. His informant may have deceived him, and he may be the dupe of others. All he (Mr. Elliot) wished to do was to show the House the entire inaccuracy of the hon. Member's most positive assertions, and to ask the House whether it will be disposed, upon such erroneous information to grant a Committee of so extraordinary a nature as the hon. Member has asked for.

He thought that he had not only shown that the hon. Member had a personal, but a pecuniary interest in the success of his present Motion. He had shown what the hon. Member expected if he had succeeded in the case of the King of Delhi, and that he had claimed a pecuniary remuneration for services which he had represented as having been successful.

MR. G. THOMPSON: I beg leave emphatically to deny it.

MR. ELLIOT: Notwithstanding the hon. Member's denial, he must say that he had entire confidence in the gentleman from whom he had received the information, and who from his position could not be mistaken. The hon. Member might not remember the circumstance, but he had no doubt a letter had been written to Delhi asking for the remuneration for his services.

MR. THOMPSON: I deny it.

MR. ELLIOT: The hon. Member had perhaps forgotten the circumstance. It was some time since it occurred, and his mind had been much occupied in the interval; at all events, of one thing he was sure, let this Committee be granted, and if it should be the will and pleasure of the hon. Member to go back to India to-morrow, he may return in two or three years with a hundred thousand pounds in his pocket. He would repeat, that let it only be known that the hon. Member had such power as would subvert the careful and unanimous decisions of all the local authorities in India, and a boundless field would be opened to him. Every dissatisfied prince or chief would be ready to engage the services of a Gentleman possessing such extraordinary influence. Sir, the hon. Gentleman might then have as many constituents as he pleases, and he (Mr. Elliot) could not help having some suspicions of the hon. Gentleman's intentions. Something had occurred within the last few days that had appeared rather ominous to him. The hon. Member had, he observed, moved for a return of all the lands held either by Jagheer or Shotrium tenure which had been resumed at Madras and Bombay. He (Mr. Elliot) was aware what a fine field these cases would open for the hon. Member, if it was his object to undertake further agencies; and he trusted the House would not encourage such an undertaking. He fully believed that, though there were dissatisfied people in India, as was the case in every other country, on the whole justice was as substantially administered in that country as in this.

With respect to this case it had been carefully, anxiously, and minutely gone into, and sifted by all the most competent authorities, both here and in India. First, the Commission of which Colonel Lodwick was the President; next, two Governors of Bombay and their Council; thirdly, two

Governors General, and the Council of India, all unanimous in opinion; again, by the Court of Directors; and, lastly, by two Boards of Control. And he implored the House to consider well before they consented to a proposal which would inflict the greatest curse that could be conceived upon the people of India, by encouraging the belief that the interference of unauthorised European agents would be sufficient to set aside the decisions of all the constituted authorities, and bring every case of this sort before the House of Commons. If this Committee were granted, he had no hesitation in saying that a number of these disinterested agents would be found to flock out to India; and that no surer course could be taken to instil into the minds of your native population the belief of the want of that authority and power on the part of the Government of India, and of all the authorities in that country, the existence of which at present form your greatest security.

Mr. HUME begged to recall the House to the question really before them. The hon. Member who spoke last had taken up an old subject of debate, that of the case of the Rajah of Sattara, when the present Motion referred only to Colonel Ovans. That was a sort of drag, such as sportsmen used when they drew a red herring over the ground to bring the hounds away from the scent of the fox. The question before them related only to an inquiry into the conduct of Lieutenant-Colonel Charles Ovans, whilst he was British Political Resident at the Court of Sattara, and the proceedings of the Bombay Government and the Court of Directors of the East India Company in relation to the charges preferred against that officer. And how had the hon. Gentleman attempted to meet that question? By charging his hon. Friend (Mr. G. Thompson) with being a hired agent. Why, what was the hon. Gentleman himself but a hired agent? And was a gentleman's character to be put down as unworthy because he was a paid agent? Let the hon. Gentleman, if he could, grapple with the facts; but it was always the case with those persons who had no way of meeting stubborn facts, that they fell back upon the old system of attacking private character. But, as to the charge that his hon. Friend had acted improperly, he would say, that his hon. Friend had acted, while in Bombay, with the full knowledge of Sir Thomas Metcalfe. The hon. Gentleman was very fond of making those personal attacks. He had charged the hon. Member for Finsbury, during the debate upon the income tax, with driving his constituents into revolution and violence, and with pandering to their vices; and he now had recourse to the same system of attack upon the hon. Member for the Tower Hamlets. But that hon. Gentleman had gone out to India as a philanthropist with one who was since dead; and he (Mr. Hume) had seen the letter in which he was requested to give his services and his advice to the King of Delhi. It was most unjust, and most unfair, and anything but proper, for the hon. Gentleman to have introduced such matter into that House. How did he, or how could he, meet the charge against Colonel Ovans, that he had kept back evidence for eleven months? That he had it in his possession, and had withheld it? Was that a fact or not? He (Mr. Hume) had a paper containing the proceedings of the Court of Directors of the East India Company in 1845, and amongst the dissents entered in it was one from Major Oliphant, who dissented from the proceedings of the Court in the case of the Rajah of Sattara. The gallant Major said in that paper, that it had been indisputably proved by the printed papers, that on the 7th September, 1837, Colonel Ovans was in possession of positive information as to the name of the writer of the petition which implicated the Rajah; which information completely falsified the charge upon which the Rajah had been found guilty. The importance of discovering the real writer of that petition had been repeatedly pressed upon Colonel Ovans by Sir Robert Grant; and yet that officer had the very information that was wanted, and he did not report the discovery to the Government until the 16th August, 1838, eleven months after he had obtained it; and Major Oliphant went on to observe, that the Government of Bombay seemed never to have asked for any explanation of the circumstance from Colonel Ovans. That was the opinion of Major Oliphant. The Government of Bombay had never done their duty in the matter. They had never inquired after the evidence, nor sought to discover whether it was true or false that it had been suppressed for eleven months, during which time the proceedings against the Rajah were going on. And was the House to be told now that the time was gone by when they should institute an inquiry? If his hon. Friend could bring the case into the Court of Queen's Bench, he was ready to do so. His proofs were all ready. If he could have it investigated at Bombay, he would go out. But the East India Company was sovereign there, and there was no place in which inquiry could be instituted except the House of Commons. Major Oliphant said, in his written protest, "This is a matter which ought, in my judgment, to be sifted elsewhere;" and it could not be sifted anywhere except in that House. Let his hon. Friend, then, appoint a commission. Let him name any one—say three men in the civil service of the East India Company—and he would have no hesitation in accepting them. He repeated, that Colonel Ovans, contrary to the recommendations of Sir Robert Grant and Lord Auckland, kept back from the Rajah copies of the evidence about to be used against him; and for that and all the other grounds which had been stated by his hon. Friend, he thought it due, not only to the character of Colonel Ovans, but to that of the Government and the East India Company, that an inquiry should be instituted, that the innocent man should stand forth as innocent, and the guilty be exposed. He seconded the Motion of his hon. Friend.

Sir J. W. HOGG hoped he might be heard, as he desired to vindicate the character of men as honourable and as distinguished as any in India; and when he himself stood before them as a *particeps criminis*, as he had been described, he hoped it would be an additional claim upon their attention. And firstly, he should direct the notice of hon. Gentlemen to the manner in which the case had been brought before Parliament. After having been in various forms placed upon the books, a debate took place in April last upon the Motion of the hon. Member for Montrose relating to the case of the Rajah of Sattara. The hon. Gentleman spoke for three hours, during which he cast imputations upon every one who differed from him in opinion. He then placed those twelve atrocious and unfounded charges against Colonel Ovans upon the books, not one of which he attempted to substantiate, saying not a word, but that he was prepared to prove them. The Secretary to the Board of Control went into details in answer to the hon. Gentleman. The debate was adjourned for a week, and it was not then resumed. [Mr. Hume: We could not get on with it.] They might have gone on with it if they pleased; but they adjourned it subsequently to two separate Wednesdays; then to a Friday, a Government night; then to a second and a third Friday, and then they allowed it to lapse altogether, without giving any one an opportunity of answering the charges they had made. He (Sir J. Hogg) said they had done so for the purpose of preventing an answer. And then the charge was altered in its form. That was neither more nor less than a trick, a mere trick and a subterfuge to open the whole of the Sattara debate, or to preclude him (Sir J. Hogg) and others from answering the calumnies which the hon. Gentleman had uttered upon the former occasion; but he would not be precluded—he would answer them. He did not think the hon. Gentleman would have resumed his seat without retracting his calumnies, and apologising for them. One of the allegations made by the hon. Member for the Tower Hamlets was, that Sir James Carnac, the Governor of Bombay, who had been for a long time a Member of that House, and who was as honourable, high-minded, and high-finished a gentleman as ever lived — that that gentleman, who was sent to adjudicate in performance of his public duties upon the case of the Rajah of Sattara, was spoken to by a member of Council of Bombay, who told him he had better take care what he did. That they (the Council) knew he was favourable to the Rajah, but he (the member) warned him not to let the Rajah off, or there might be disclosures made against himself that would be injurious to public character. Now, had the hon. Gentleman said one word about that statement to-night? Had he either recanted it or apologised for it? Fortunately, the two members of Council were both in this country at present, namely, Mr. Anderson and Mr. Parish, and he had received letters from both these gentlemen on the subject. But he would first read a letter from a member of the late Sir J. Carnac's family. [The hon. Member here read a letter from Sir J. Carnac to Mr. Anderson, referring to Mr. Thompson's speech, and requesting him to ask Sir J. Cam Hobhouse, or Sir James Hogg, to refute it in the House of Commons. He then read a letter from Mr. Anderson, describing Mr. Thompson's charge as an unfounded and calumnious attack, and stating that he was himself a member of Council during the whole period of Sir James Carnac's government, and that he believed the assertion made by Mr. Thompson to be wholly untrue, and devoid of any foundation, as such a threat could not have been held out to Sir James Carnac, without his having heard of it. The hon. Baronet also read a letter from Mr. Parish to the same effect.] He might here mention another of the statements that had been made by the hon. Member, to the effect that, when the terms of the amnesty had been submitted to the late ex-Rajah, he objected to affix his signature to it on the ground that it would be an admission of his guilt. He would venture to say that that statement of the hon. Member was inconsistent with all that appeared in the papers that had been laid before the House on the subject. They all tended to show that the Rajah's statement was this—"I will sign no papers; I will not renew the treaty: I objected to sign it at first, when I was asked to do so by Mr. Elphinstone, and I regret that I ever did sign it." [The hon. Baronet read an extract from Mr. Anderson's letter on this part of the subject, bearing out the account given by Sir James Carnac of his interview with the Rajah.] If they had a hundred Committees of the House, they could not have any more evidence from Sir James Carnac on this subject, and any fresh imputations on that lamented gentleman would only recoil on the head of him who made them. When the hon. Member introduced this matter in April last, he endeavoured to impress upon the House, that in restoring the ex-Rajah to the throne there was no generosity shown by the British Government; but that they acted merely for their own interests. There was no one who knew Mr. Elphinstone would believe that he could have entered into a treaty with a puppet king, while they had another treaty with the Peishwa. The hon. Member had also cited extracts from a book of Mr. Prinseps to prove that the ex-Rajah was in an influential situation—that Mr. Elphinstone had entered into private communications with him—and that the Rajah owed his elevation to a consideration of what would be better for our private interests. Now, about three weeks before the hon. Member made that statement and read those extracts, the hon. Member had taken the same course at a meeting at the India House at which Mr. Prinseps was present, and that gentleman then got up and repudiated the deductions of the hon. Member, denied his statements, and expressed his astonishment that he should have read extracts from his book to prove such allegations; and yet, without mentioning to the House this important fact, that the author of the book from which he was quoting had himself denied the statements, and repudiated the deductions of the hon. Member, he had read these extracts to the House of Commons! Was there any doubt about that? [*Mr. G. Thompson dissented.*] Then he had a letter from Mr. Prinseps in his pocket, for it was necessary to come down to the House prepared with documents when this subject was under discussion. [The hon. Member read the letter, in which it was stated that, if Mr. Thompson had made use of the writer's book without mentioning his repudiation of the deductions which Mr. Thompson had drawn from it, that Gentleman had dealt unfairly by him, and had misled or had attempted to mislead the House of Commons.] But nothing could be more explicit on this point than Mr. Elphinstone's own words. The fact was, that so necessary did Mr. Elphinstone find it to circumscribe the Rajah with a line, that there never was a treaty more strongly binding in its provisions. The next name that occurred to him in the list of the persons assailed by the hon. Member was Sir Robert Grant; and if ever there was any man incapable of anything harsh or mean, or who was nervously honourable, that man was the late Sir Robert Grant. On what did the hon. Member found his charge against that gentleman? On scraps taken from the Minutes. He would, however, beg to read the whole Minutes, and he would then leave it to the House whether a more fair and candid statement had ever been written. [The hon. Baronet read the Minutes, and continued:] But the hon. Member said, that one director was as good as another, and that Major Oliphant had given an opinion in favour of the Rajah's innocence. The fact was, however, that Major Oliphant was the only one out of thirty directors who ever wrote or spoke one word, not merely against the honour, but against the propriety of the conduct of Colonel Ovans. But then came the evidence of Mr. Shakespear. Who were the authorities, however, on the other side? [The hon. Baronet read a list of all the authorities that had been mentioned in connexion with the case of the late ex-Rajah, and then continued:] Out of these twenty-eight names there were seventeen who had recorded Minutes in the blue books, stating their opinions of the guilt of the ex-Rajah, and giving the grounds on which those opinions had been formed. Of the remainder, all except one had expressed a belief in the guilt of the ex-Rajah; and, as had been remarked by his hon. Friend opposite (Mr. Elliot), that one (Mr. Shakespear) died before the corroborative testimony had come out. It was on these grounds that they were asked, in the year 1848, for a Committee of the House of Commons, to inquire into a matter that had been fully investigated by a Commission at Sattara ten years before. But this was not all. The hon. Member who brought forward this Motion had already brought forward no less than thirty-one Motions on the subject in the Court of Proprietors. The first was on the 12th of February, 1840, when, out of 2,400 proprietors interested in the good government of India, only twenty were found to vote with the hon. Gentleman, all the others being deaf to the voice of justice. On the 14th of July, 1841, there was a five days' debate on the same matter. On the 8th of February, 1843, the hon. Member again ventured on a division, but his supporters were by that time reduced from twenty to fifteen. The hon. Member then ventured to attack the character of Colonel Ovans. He made his Motion, and Mr. Peter Gordon seconded it; but it was rejected *nem. con.*, because, though a man with less than 500*l.* stock could talk at the Court of Proprietors, he could not vote, and neither the hon. Member, nor his seconder, was in a position to vote; and they had both to walk out of the House when the question came to a division. Another hon. proprietor then offered to second the second charge made by the hon. Member, in order that there might be a decision upon it, but stating at the same time that he would divide against it; and thus every one of the charges made by the hon. Member against Colonel Ovans had been rejected without a dissentient voice. The House would be astonished, perhaps, when he told them that at the East India House they never had the pleasure of seeing the hon. Member for Montrose but once during all these transactions. But, in the month of January, a letter appeared, occupying three columns in the *Times*, full of false conclusions and of perversions of documents. It was thought it would help the cause, so it was published by the hon. Member for Montrose, and a copy sent, in the shape of a pamphlet, to every proprietor. Much good it did him. Although it went forth without an antidote to its mis-statements, perversions, and false conclusions, there were only nineteen votes out of 2,400 at the next meeting of proprietors. He had thus mentioned some little of the authority of the Court of Proprietors on this subject. He now came to the Court of Directors. Eighteen out of the twenty-four acquiesced in the opinion that the Rajah was guilty. Two, since deceased, were at that time ill, and they could not interfere. Four signed dissents, and consequently they were of opinion the Rajah was innocent. Of the six who went out that year (for six went out every year) five were of opinion that the Rajah was guilty. These made up the thirty. Such was the result of "authority." But had the hon. Members for Montrose and the Tower Hamlets circulated it? No. Did they circulate the opinion of Mr. Edmundston? No. There had also been constant discussions of the case in Parliament. It had really never been off the Notice Paper; but had the hon. Member for Montrose, who brought it forward, ever ventured upon a division? Never but once, and then he mustered only between three and four-and-twenty. In other words, he and his friends were always satisfied with having made their speeches; the fact being they had never ventured on a division but once. But what was stated by the hon Gentleman in the letter of which he complained? Why, that "the Rajah was condemned unheard, without knowing the charges preferred against him; and that he knew nothing of them until he saw them in the blue book." He would place the whole case upon this single issue. He denied every one of these assertions. The inquiry was instituted after the most pressing representations of the Resident; and who was the Resident? General Lodwick, the hon. Member's own witness! And who were the Commissioners appointed to conduct the inquiry? General Lodwick, Mr. Willoughby, the Chief Secretary of Government, and Colonel Ovans. No Commission could have been constituted more fairly, and their instructions were to discover the truth in the manner best adapted for that purpose. The Commission sat twenty-one days. The first object was to ascertain the character of the native officers; and on the eleventh day Colonel Lodwick himself, being examined, gave evidence that the individual whom he now called an informer was a person of the highest possible character. The Rajah was not called in, because the Commission was secret; and because the Commissioners considered it would be better not to do so until a *primâ facie* case was made out. The Rajah refused to attend, but his witnesses were examined; yet now it was stated he was ignorant of the allegations against him, and that he had had no opportunity of answering them. General Lodwick had now changed his opinion upon the case. He blamed no gentleman for changing his opinion; but he begged to state, that on many essential points General Lodwick's memory had entirely failed him. General Lodwick now said, when he signed the report against the Rajah, he protested against it, and declared his conviction that the decision of the Commissioners was unjust. Yet both Mr. Willoughby and Colonel Ovans declared that up to the moment when they heard that statement they were under the conviction that General Lodwick was of the same opinion as themselves; and the draft report itself contained no traces of protest or diversity of sentiment. Whether General Lodwick was right or wrong, he (Sir J. W. Hogg) would only say, the hon. Members for Montrose and the Tower Hamlets must take him either for one side or the other. They could not have him both ways. A great many minutes had been read of the opinions of Sir Robert Grant and Lord Auckland; but Sir Robert Grant had said, as to the Commission, that he considered the Rajah guilty, but thought that a very lenient course might be adopted. That was the opinion of Sir Robert Grant, who had been represented as vindictively putting down the Rajah; and what did Lord Auckland say after the close of the Commission?—

> "The proceedings of the Commission have left no doubt on my mind of the guilt of the Rajah to the extent of countenancing and attempting to seduce from their allegiance two native officers of the British army."

He would now read the opinion of Lord Auckland when the whole matter was terminated. It was—

> "It is now my painful duty to state that I am compelled to concur in the unanimous opinion of the Government of Bombay, that the two principal charges preferred against the Rajah are fully established."

Lord Auckland said that he ought to have a copy of the charges, and Sir Robert Grant suggested the same thing; but, whilst the matter was under discussion, Sir Robert Grant died, and Lord Auckland recorded in a Minute that the reasons assigned by the Resident satisfied him that it would not be right to persevere in the course he had previously recommended, and present the Rajah with a written statement of the charges and proofs against him. Such a course would lay the Government open to fresh embarrassment, and expose the witnesses to a prosecution. One of the Directors who had formed a favourable opinion of the case of the Rajah was Sir James Carnac. He went out with unlimited powers to settle this matter. He went to Sattara, represented to the Rajah the folly of which he had been guilty, and stated that all the Government wished him to do was, to adhere to the original treaty, upon which they would give an entire amnesty. That was placed before him. Sir James Carnac used every argument to induce him to sign it; and, had it not been for the intervention of agents, he would have signed it. If the natives were to be led to think that they might disregard the authority of the local government, then we might bid adieu to our empire in the East. On the Rajah's refusal to sign the treaty, he was removed, and his brother was placed in his stead. Now, what were these charges against Colonel Ovans? They were only deductions from the whole of the evidence. As to the first charge of subornation of perjury, it was said, what do you think of an officer entering into communication with a native to procure evidence? He denied that Lieutenant Horne entered into communication, according to the ordinary acceptation of the words, with any person to procure evidence. The witness came forward and made the offer to Lieutenant Horne, who was only holding office for Captain Durat, that he knew of certain documents, bearing the signature of the ex-Rajah, of a seditious nature, which he could obtain. What were the instructions of Colonel Ovans? To sift the matter to the bottom, and to give authority to advance a sum not exceeding 200 rupees, to pay the expenses of a journey to the places where the papers were said to be. Whilst Colonel Ovans was under the impression that the treasonable papers would make their appearance, suddenly he found that the witness had been playing the same trick with the Rajah, and trying to get money from him, by stating that the resident officer was getting up papers to make a charge against him. Colonel Ovans was a gentleman of the highest character, as all knew who were acquainted with his proceedings in India; but how did the charge as regarded the correspondence apply to him? According to the treaty which the Rajah had agreed to, he was not to send a letter to any person or State unless through our Resident, and he would, by sending any such letter, lose his position as Rajah; and, when the Rajah took means by letters to seduce our sepoys, our Resident had a right to obtain a copy of that correspondence, which was a direct breach of the treaty. When treasonable tricks and correspondence were going on, it was the duty of our Resident to obtain an account of them, and report them to our Government. It was said, however, that one witness was confined and a deposition extorted; but Mr. Hutt, the judge who took the depositions, denied that—he denied both the imprisonment and the extortion of the deposition, and, on the contrary, declared that the confession was perfectly voluntary.

MR. G. THOMPSON: I never said that Mr. Hutt extorted a confession.

SIR J. HOGG: The hon. Member said that Mr. Hutt took the evidence, and Mr. Hutt denied both the imprisonment and the fact of the confession having been anything but voluntary. Whether the petition was written by the Rajah's mother or not, the facts stated in it showed a perfect knowledge of all the circumstances to which it referred, and the statements which it contained were borne out by all the other circumstances relating to that subject with which the Government had become acquainted. Another charge made by the hon. Member against Colonel Ovans, was that of suppressing the evidence of Krushnajee. Now, the fact was, that Krushnajee went to Colonel Ovans, and stated that he had written the petition, and had been promised 1,250 rupees by Girjabaee for doing so; and, to show the truth of his statement, he produced a copy of the petition. Colonel Ovans instituted an immediate inquiry into the matter; and, to show that no unnecessary delay had taken place, he (Sir J. Hogg) might state that the last deposition was taken on the 10th of July, and that the whole of the documents were handed by Colonel Ovans to the Government on the 16th of July. This fact at once disproved the charge that Colonel Ovans had suppressed the evidence for thirteen months. And yet the hon. Member for the Tower Hamlets stated in the Court of East India Proprietors that Colonel Ovans was the greatest unpunished criminal in the world; and the hon Member for Montrose had said that the gallant officer had no regard for the honour of his cloth. Now he begged to tell that hon. Gentleman that there was not in the service a man of higher honour and integrity than Colonel Ovans, and there were few who had rendered greater services to their country both in the field and in the closet. This was the opinion of the whole Court of Directors. The hon. Member for Montrose (Mr. Hume) had, two years ago, accused Colonel Ovans, in that House, of bribery and corruption in having obtained from the Rajah a pension of 1,500*l.* a year for his father-in-law, and afterwards for his brother-in-law. Why was not that charge repeated to-night? Because it had been repudiated by the House with disgust and indignation when it was formerly made by the hon. Gentleman. It had also been asserted that, when his wife and family left India, Colonel Ovans obtained 50,000 rupees for them from the Rajah. And on whose authority was this charge made? On that of Krushnajee, who, after stating that he had written the petition at the request of Girjabaee, declared that that assertion was a lie, and that he had written the petition at the desire of Colonel Ovans, who had paid him for it. He (Sir J. Hogg) would ask the House whether this was a man on whose evidence they would allow the honour and integrity of Colonel Ovans to be impeached? When Colonel Ovans heard of these charges, he at once expressed his desire, although he was suffering from ill health, to go out to India and prosecute his calumniator. But the Court of Directors would have been unworthy of their position if they had not refused to attach any importance to these statements. It so happened that a new Resident was appointed to Sattara, Mr. Frere, who, not knowing all that had come out, wrote to say that he was afraid the hon. Member for Montrose (Mr. Hume) did not know the character of this man, "who had taken to memorialising Mr. Hume and the Queen in Council." Mr. Frere thought it right to inquire into these charges; the man named four individuals to be sent for, and it turned out that one had been dead fourteen years, and the others knew nothing about the matter. Mr. Frere was convinced that the whole petition was a tissue of falsehood. The hon. Member (Mr. G. Thompson) had been continually complaining of the absence of an address which the Government of India were said to be withholding, in order that the people here might not know the truth of the case. At every court the Directors were "roasted" about it. Now it had come home; and what was it? An English document, concocted in this country by the Rajah's agents, cut and dried, in the English language; and Major Carpenter stated that the Rajah merely put his seal to it that it might be in form, and sent it to the Government. And the Government of India were charged with withholding evidence essential to substantiate the Rajah's case. He (Sir J. W. Hogg) must use a homely word, and ask, was there ever such preposterous humbug attempted to be foisted upon the public? The discussion of that night would, he trusted, have the effect of disabusing the public mind with respect to this question. He hoped it would expose the preposterous humbug which had been practised with regard to the case of the Rajah of Sattara, and that the vote of the House would satisfy public servants in India, civil and military, that as long as they discharged their duties honourably and faithfully to their Sovereign and their country, there existed that honourable and gentlemanly feeling in the House of Commons, which would make them repudiate and spurn charges like those which had been preferred against the distinguished and honourable individuals whose characters had been calumniously assailed on the present occasion.

Mr. ANSTEY, having taken a part in the previous debates upon this question, said, that he would not consider himself acting as a man of honour if he did not at once declare that, in his opinion, the character of Colonel Ovans had been completely vindicated. He had never assailed that gentleman. There was something more involved in the present discussion than the character of Colonel Ovans; and that was, the fame of our justice, and the moral influence which the result of these debates would have upon the natives of India. He was as well satisfied as ever of the guilt of our Government, and the innocence of the late Rajah. The speech of the hon. Baronet who had just sat down, appeared to him to furnish the strongest possible reason why an inquiry should take place into that case. He was satisfied that it was impossible, in the course of a night's debate of this desultory character, to arrive at a satisfactory conclusion. For example: the whole case of the Rajah rested on a dispassionate examination of the circumstances disclosed in the papers as to the interview between the Rajah and Sir James Carnac. Now the hon. Baronet imagined that the Rajah had refused unconditionally to sign the treaty, when it appeared to him (Mr. Anstey) perfectly clear that he had merely objected to the preamble. How then could they come to a satisfactory conclusion, except by a cool and dispassionate inquiry upstairs? He should vote in favour of the Motion as a Motion of inquiry, at the same time declaring that he did not consider that any imputation rested on the character of Colonel Ovans, and that he deeply regretted the course taken by the hon. Member for the Tower Hamlets, in accusing that gallant officer instead of the Government.

Mr. H. BERKELEY, as he had presented a petition from Bristol, purporting to be signed by the startling number of 1,500 names, and praying for investigation into the case of the Rajah of Sattara, had felt it his duty to make some inquiry with respect to that petition. He found the whole of the signatures were in the handwriting of two or three persons. He wrote to ascertain whether there was any excitement in Bristol on the subject of the Rajah of Sattara. One gentleman said in reply, "Really we are not acquainted with the gentleman." Another said, "If it was Mr. Brooke who was the Rajah, there was a great deal of sympathy for him; but as for the Rajah of Sattara, nobody knew anything about him." He held in his hand a return with the name of Lord Jocelyn on the back of it—a return of Europeans in the employment of native States and princes in India, with the amount of the payments made to them; and there he found the name of George Thompson connected with the payment of 1,000 rupees per month. There was an opinion abroad that this part of the return applied to the hon. Member for the Tower Hamlets. The hon. Gentleman would be glad to have an opportunity of contradicting what was extremely prejudicial to his case, and therefore of answering the question whether he was in the pay of the Rajah of Sattara?

Sir T. COLEBROOKE was of opinion that the Bombay Government had been fully vindicated. He entirely subscribed to the statement of the hon. Baronet the Member for Honiton.

Mr. URQUHART contended that the Government of Bombay had committed a great act of injustice, and the death of the Rajah had not altered the case. It was the duty of the House, for the honour of the country, to see that justice was done. The question of the Rajah of Sattara was to be decided by facts. Those facts were to be decided by the documents before the House, and from those documents it would appear that a greater blot was never cast on the English name than that which was cast upon it by our treatment of the Rajah of Sattara. No proof was adduced of the criminality of that prince, and therefore he (Mr. Urquhart) was justified in asserting his innocence. He would, therefore, demand, in the name of the honour of this country, that this case should be fully investigated. A subordinate Government dispossessed that prince in the teeth of the decision of the Supreme Government of India, and on the ground of that dispossession his character was attacked. Was that justice? On the examination of the last papers presented to Parliament he was ready to acquit Colonel Ovans of the charges made against him; but, while he acquitted Colonel Ovans of these charges, he did so only upon the disqualification of the evidence adduced by the Government of Bombay against the Rajah. He acquitted him in order to bring home to the real perpetrators the crimes committed in India. If this inquiry were refused, then the honour of England was for ever tarnished, and the security of our possessions in India would be greatly perilled. He would, therefore, implore the House to grant the inquiry.

SIR H. WILLOUGHBY said, that in the autumn of the year 1842 Sir John Carnac stated to him the reason for deposing the Rajah of Sattara. It was to be found in the simple consideration that on communication with the Rajah he was found to be unfriendly to the articles that formed the basis of the Treaty of 1819, particularly that part of it which was comprised in the second article. The observation made by the Rajah was, "Do you expect me to sign that treaty which would reduce me to the position of the manager of a district?" A gallant gentleman, a friend of his, had been attacked—he alluded to Colonel Ovans—and he believed that a more honourable public servant than that gentleman did not exist. Whether the charges against the Rajah were true or false, Colonel Ovans had no more to do with them than any hon. Gentleman in that House. The first charge against the Rajah was made by Colonel Lodwick, and it was utterly impossible for any Government not to follow the suggestion that he had made.

MR. GEORGE THOMPSON was sure that those hon. Gentlemen who had heard the statements of the hon. Gentleman the Member for Roxburghshire (Mr. Elliot) would allow him (Mr. G. Thompson) to make a few remarks in reply, as they had a personal reference to him. The hon. Gentleman was pleased to state, on authority on which he said he placed the utmost reliance, that when he was in Calcutta he saw an advertisement put forth by the King of Delhi requesting the assistance of some philanthropic individual who would undertake his case in England. Now he begged to say he never saw or heard of such an advertisement. But he received, most unexpectedly, a visit from some gentlemen who said they had received instructions from the Minister of the King of Delhi to wait upon him and communicate with him respecting the question then depending between the King and the British Government. It was not until he had examined the papers, and looked into the Wellesley despatches, that he stated, on a subsequent occasion, to a person who waited upon him, that he thought that the King of Delhi had a just and reasonable claim on the Court of Directors. What was his course of conduct then? He was free to admit that the deputies were authorised to make to him large offers, and he disclaimed altogether any intention to stipulate for any remuneration whatever. He would enter into no compact with the deputies, and he left Calcutta, on the invitation of the King, for Delhi, without having entered into any engagement with him, only stipulating that his expenses from Calcutta to Delhi and back should be defrayed. It was arranged that it should be settled on a personal communication with the King whether it would be expedient to undertake the case, which he desired him to advocate in this country. It was said he had proposed that a provision should be made for him in the shape of a house; and he assured the hon. Gentleman the Member for Roxburghshire that he had never expressed such a wish, but, on the contrary, desired that not a penny should be expended for his accommodation in Delhi. It was also said that, on arriving in Delhi, he had further stipulated for a payment of 200 rupees per month as a provision for his table; and he assured the hon. Member and the House, on the word of a gentleman, that he had never stipulated for a thing of the kind, and never had received 200 rupees a month for the supply of his table. Farther he would say, that he had never demanded one penny of remuneration from the King of Delhi; and, when the King offered him what he thought a moderate compensation for his services in this country, he (Mr. G. Thompson) refused to take it. Subsequently he agreed that he would be the agent of his Majesty the King in this country, but never took a step to accept any agency until the Lieutenant Governor of the western province had communicated to the King that he was at liberty to engage him. He refused to accept any guarantee for remuneration hereafter, and declared most solemnly that never in his life, since he returned to England, had he asked the King of Delhi for a penny, and never had he received a penny. With regard to the Rajah of Sattara, there were many in this country who knew that before he had any idea of visiting the shores of India he had advocated that prince's cause. There was not a single fact alleged by the right hon. Baronet opposite in favour of Colonel Ovans or the East India Company that he did not pledge himself to rebut if they granted the Committee. If they denied the inquiry, Colonel Ovans would not be cleared. He had chapter and verse for every allegation he made, and he would produce three hundred intercepted documents.

The House divided :—Ayes 8: Noes 77; Majority 69.

List of the AYES.

Anstey, T. C.
Lushington, C.
Raphael, A.
Stuart, Lord D.
Thompson, Col.
Wawn, J. T.
Williams, J.
Wyld, J.

TELLERS.

Hume, J.
Thompson, G.

List of the NOES.

Armstrong, R. B.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, hon. C. F.
Boldero, H. G.
Bolling, W.
Bouverie, hon. E. P.
Brotherton, J.
Buller, C.
Christy, S.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cobbold, J. C.
Colebrooke, Sir T. E.
Craig, W. G.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Egerton, Sir P.
Elliot, hon. J. E.
Ferguson, Sir R. A.
Frewen, C. H.
Galway, Visct.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hawes, B.
Hay, Lord J.
Heald, J.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hotham, Lord
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Mackenzie, W. F.
Maitland, T.
Mangles, R. D.
Maule, rt. hon. F.
Meux, Sir H.
Morison, Sir W.
Morris, D.
Mullings, J. R.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Price, Sir R.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Rutherfurd, A.
Sandars, G.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stanton, W. H.
Stuart, H.
Sutton, J. H. M.
Tenison, E. K.
Townley, R. G.
Townshend, Capt.
Tynte, Col. C. J. K.
Ward, H. G.
Watkins, Col. L.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.

Bellew, R. M.
Tufnell, H.

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Wednesday, July 12, 1848.

MINUTES. NEW MEMBER SWORN.—For Great Yarmouth, Joseph Sanders, Esq.

PUBLIC BILLS.—1° Ecclesiastical Jurisdiction; Tithe Rent Charge, &c. (Ireland) (No. 2).

PETITIONS PRESENTED. By Mr. Pearson, from the Parish of St. Mary, Lambeth, for a Better Observance of the Lord's Day.—By Mr. Hindley, from Churchwardens and Overseers, of the various Metropolitan Parishes, in favour of the Sunday Trading Bill (1846).—By Mr. Spooner, from the Clergy of the Town of Birmingham, in favour of the Sale of Beer Bill.—By Sir Benjamin Hall, from the Parish of St. Pancras, Middlesex, for Inquiry into the Bakers' Grievances.—By Mr. W. Brown, from the Manchester Commercial Association, for Abrogating the System of Advances upon Hypothecated Produce.—By Mr. Cobbold, from Officers of the Ipswich Union, in favour of a Superannuation Fund for Poor Law Officers.—By Sir John Trollope, from the Board of Guardians of the Spalding Union, Lincoln, in favour of the Poor Law Union Charges Bill.

TAXING MASTER—CHANCERY (IRELAND).

MR. G. A. HAMILTON said, he had to ask the right hon. Baronet the Secretary for Ireland a question of which he had given notice. In the year 1845, an Act was passed by which one taxing master was appointed in Ireland, for the Court of Chancery. The society of solicitors at the time stated that it would be quite impossible for a single master to discharge the necessary business of the office; but there being an apprehension that the revenue derived from the fees of the office might be insufficient, one taxing master only was then appointed. He was bound to say that no blame whatever was attached by any one to the present taxing master. It was impossible there could be a more active or assiduous officer. But, as had been predicted, the business of the office was too much for any one officer, however diligent, to perform. He, at the beginning of the Session, had presented a petition signed by nearly 700 of the solicitors practising in Dublin: they stated in that petition, that great public inconvenience had arisen from the accumulating of untaxed bills of costs—that at that period there were no fewer than 1885 bills of costs, amounting to 256,000*l.*, untaxed in the office—that it was almost impossible to have bills of costs, of any considerable amount, passed through the office within a less period than twelve months—and that all parties interested in suits were subjected to great losses and inconvenience from such delays. Under these circumstances, and as the revenues of the office were amply sufficient, he begged to ask whether it was the intention of Government to propose any measure for the appointment of additional taxing masters of the Court of Chancery in Ireland?

SIR W. SOMERVILLE, in reply to the question put to him by his hon. Friend, was prepared to admit the inconvenience he had stated, from the accumulation of costs in the office of the taxing master of the Court of Chancery. He could also corroborate the statement with regard to the efficiency of the present taxing master. The subject had been under the consideration of Government, and he hoped means would be taken to remedy the inconvenience complained of.

SUNDAY TRADING BILL.

Order for Committee read.

On the question that the Speaker do now leave the chair,

MR. B. WALL rose to move, pursuant to notice—

> "That this House will, upon this day six months, resolve itself into the said Committee."

The hon. Member for Ashton-under-Line (Mr. Hindley), although perfectly aware of the notice he (Mr. Wall) had given to resist this Bill by a substantive Motion, had at half-past 2 o'clock on the morning of Saturday se'nnight, when the House was just breaking up, and when there were not twenty Members present, moved the second reading of this Bill in a voice scarcely audible. In fact, although he was not twenty paces from the hon. Member, he had not heard him. It was on this account that he was now obliged to bring forward his Motion on the Order of the Day for going into Committee, in place of the second reading, which was the more usual course, and which he would have preferred. The existing law regulating Sunday trading was based upon the Act of Charles II., which prohibited the sale, or exposure for sale on Sunday, of all wares or merchandise, with the exception of milk and mackerel: that was the law at present, but the interpretation of the law, so far as he could ascertain, had depended very much on the individual feeling of different magistrates, and was by no means uniform. Though opposed to the present Bill, he was very far from being opposed to a satisfactory regulation of Sunday trading, for he thought the law was in a very defective state, and that if some hon. and learned Member had taken up the question, he might have made something of it, and produced a Bill worthy of the consideration of Parliament. He did not think the evidence taken before the Committee was sufficient to justify the House in passing such a measure as the present. The statements made by the various witnesses were so contradictory that they neutralised each other. The senior churchwarden of Lambeth gave very fluctuating evidence, sometimes tending to show that Sunday trading was an unmitigated evil, and sometimes so modifying his views by exceptions in favour of the sale of different articles, and at certain hours of the day, that the evil almost vanished and became nil. The chief mischiefs, as described by him, were the obstruction of the thoroughfares, inferiority of the goods, and an increase of the prices. So greatly did these prevail in the New Cut, Lambeth, that, according to this gentleman, all the religious, moral, and social feelings of the people in that neighbourhood were paralysed. Still the senior churchwarden recommended that a variety of articles should be permitted to be sold on a Sunday. He did not understand these nice distinctions. If one set of shops were to be closed, all ought to be closed; but as it was impossible to close all, then what should be done was, that all should be placed under strict police regulations, to be devised and applied by the most learned and eminent men in the profession of the law, without any special enactment as to the shops being opened or closed on that day. Then came the evidence of Charles James—not of London, but of

Lambeth—who in many respects followed the devious course of the senior churchwarden, leaving the Committee perfectly at liberty to draw whatever conclusion they pleased favourable or otherwise to the measure. One of the points which it was laboured throughout the Committee to demonstrate was this—that Parliament could not satisfactorily come to any conclusion upon this subject until they had struck from the Statute-book the Act of Charles II. He ventured to put the following question to Mr. C. Pearson, the Member for Lambeth, who was examined before the Committee:—

> "Am I mis-stating or overstating your opinion with regard to the Act of Charles II., that it is useless and mischievous?"

To which that hon. Gentleman answered—

> "No, it is useless when not in force, and mischievous when in force."

But the question, after all, for the House to consider was—when they had got rid of one Act, how were they to frame another? As the Act of Charles II. gave satisfaction to the working classes, and had been the law of the land so long a time, he did not think it was desirable to repeal it now. He had placed himself in communication with the postmasters in the poorer districts of London, who stated that the number of letters written on Sunday was nearly double that of any other day of the week. The poor man almost invariably bought his sheet of paper on Sunday, and put his letter in the post on Sunday night. Now, the House could not put this down, and it would be better to tolerate this purchase of a sheet of letter-paper, than to subject it to the fluctuating digestion of magistrates and policemen. The Act of Charles II., if carried out to its full extent, prohibited other things besides Sunday trading, as was proved by a case related by Mr. Peacock, where some parties who had been prosecuted for Sunday trading took out an information against the vicar's coachman for driving his master to church on Sunday. The information was taken out at Hatton-garden, and the coachman would inevitably have been convicted, but for some technical informality in the information. The effect of these proceedings was to keep every carriage from Islington church for some time, as he was informed by a person who lay in wait for them, to lay another information. The magistrate held it punishable, under the Act of Charles II., to drive a private carriage on Sunday, unless it could be shown that it was an act of necessity. He objected almost to the whole of the Bill now before the House; but his main objections were, first, that the preamble stated what was not proved by the evidence, namely, that the public thoroughfares were at present greatly obstructed during divine service. The law of Charles II. was not rigidly acted on, for the good sense of the public would not allow it. Nor would the present Bill be more successful. He defied all the policemen in creation—nay, but that he feared being called to order by the Speaker, he would say that he would defy any Act of Parliament to carry into effect the provisions of a Bill like the present. He knew the tenacity of life of orange boys and orange women, who went about selling these articles. These itinerant vendors all belonged to the lower classes, and they would have them all in the parochial workhouses, and must also maintain an increased police force if they really hoped to put them down. But the attempt would fail. The hon. Member (Mr. Hindley) might perhaps for the first six months see twenty in a hundred fewer than at present; yet so deeply rooted in the minds of the people was the feeling that they were to have their comforts on a Sunday as well as on a Monday, that the hon. Gentleman's complaints would soon be as loud as ever if his Act should pass. He believed that hon. Members would not support such a Bill but for the little communication they had with their poorer constituents, and the little knowledge they possessed of their wants and wishes. The Bill proposed to raise the penalties for Sunday trading from *5s.* to *20s.*; and the pith and marrow of the Bill was, that after the third conviction every person would be liable to a penalty of *20s.* for every separate act of trading upon any Sunday. It was too late in the present Session to entertain a Bill having the present object; and if the House were to be called to legislate upon it next Session he hoped the Home Office would take up the matter in the recess, and prepare a measure. Because the present law was inoperative, it was no reason for allowing a peddling and imperfect measure like the present to pass, which could only be vexatious in its operation, and which could exercise no effect whatever in changing the social and moral habits of the people.

MR. SLANEY seconded the Amendment, and denounced the Bill as a petty and peddling interference with the comforts and amusements of the working classes, while it left those of the rich entirely untouched. Hon. Members who belonged to the Reform or Conservative Club could continue to get anything they required between 10 and 1 o'clock in the day, for no interference with these club-houses was proposed by the Bill. If the rich continued to use their carriages and horses on Sundays—if they continued to give large dinner parties, to which guests were invited from all parts of the town—did the Bill touch any of these proceedings, although the givers of these feasts could as well give and their guests as well receive them on any other day? No; but when there was only one day in which the humbler classes could go upon their little expeditions and excursions in the country to get a little fresh air, then they endeavoured to prevent them. The Bill absolutely prohibited the sale of tea and coffee at all, at stands, during the whole of Sunday. No bottled beer or porter could be sold at these stands, nor even biscuits or bread. If they did not venture to touch the club-houses of the great, was it fair to come down upon these vendors of small matters, and put them under the harrows of the hon. Member's legislation, by making them liable to cumulative penalties, varying in amount as a justice of the peace might think these offences were more or less deserving of punishment? He was not sure whether the Bill would not prevent the poor man from going into a shop to be shaved, or from sending his dinner to the bakehouse, whereby a hundred women were saved the labour of cooking the Sunday dinner. In no country in Europe was the Sabbath better observed than in England.

Mr. ALCOCK had not rested satisfied with the accounts of others, but had gone to satisfy himself as to the fact of Sunday trading in the localities which were much frequented by the working classes; and he had witnessed the great extent to which that description of traffic was carried on. He was in favour of the principle of the Bill.

Sir DE LACY EVANS said, that the object of the Bill was not to interfere merely on the score of religion, but to put an end to the immense labour and toil which Sunday trading caused to tradesmen and those whom they employed. He (Sir De Lacy Evans) did not know of any measure which was so generally supported by the tradesmen amongst his constituents.

Colonel THOMPSON, as one who had been persecuted for his opinions on the subject of Sabbath observance, if exclusion from that House for many years was to be considered persecution, wished to be allowed to say a few words; and in so doing he begged to assure the hon. Gentleman (Mr. Hindley) who had introduced the Bill, that he was quite ready to concur in going into Committee, provided the hon. Gentleman would agree in opposing the oppressive enactments attempted to be forced upon the public under the pretence of Sabbath observance. He was one who thought Sabbatical observance according to the Jewish law prohibited to Christians; and in this he was supported by the *Confession of Augsburg*, in maintenance of which our fathers and the early Protestants laid down their lives. The Church of England, too, which was the Church of the majority, had taken this view, as evidenced by the fact, that in all her catechism there was not one attempt to enforce the duty of Sabbatical observance; and leading men among her teachers, as Paley, Arnold, and Whateley, avowed the same. But as a political institution, he believed, like them, that a day of rest was a useful institution; and he was ready to support the hon. Gentleman if he would make his Bill accessary to the practical settlement of a question which would otherwise at some time end in mischief. For example, he trusted the hon. Gentleman would not think of such an absurdity as preventing common bakehouses from acting on the Sunday, where the truth was that one man staid at home to cook, in order that fifty might have their time at their own disposal; that he would allow no interference with reading-rooms, or places for the sale of stamped periodicals; that there would be no persecution for shaving or blacking shoes, for it had always been held that cleanliness was next to godliness; and that there would be no impediments thrown in the way of the weary citizen's recreating himself and family by means of hired carriages or animals of any kind. If the hon. Mover would attend to points like these, he might do a public service by his Bill.

Sir B. HALL said, if the Bill as it now stood was to be persevered in without introducing some provisions which should put the higher classes of the community on the same footing with the other classes—if it was to be merely an exclusive Bill, interfering with the privileges, advantages, and amusements of the lower orders of society—then he should say it was a most objectionable measure. On the other hand, if it was intended to put all classes upon the same footing, and to enact that no Peer, Member of Parliament, or person high in society, should enjoy any amusements denied to the poorer classes, then the hon. Member had better withdraw his Bill and introduce another.

Mr. C. HINDLEY assured the hon. Baronet that he was sensible of the necessity for great discretion in dealing with this matter. Last Session he had moved for a Committee of Inquiry into Sunday trading, and the evidence of that Committee showed that 20,000 people in the metropolis were under the necessity of labouring on that day. Yet the hon. Member for Salisbury proposed to throw out this measure, and thereby retain that large number of the population of London in bondage. The evidence taken before the Committee showed that Sunday trading was carried to an immense extent in London, and not in articles of necessity or of a perishable nature, but in articles that might be purchased any day in the week; and would any person say that the people of England wished that Sunday should be a day of trade like other days? He was quite willing to adopt the suggestion of the hon. Alderman behind him (Alderman Sidney), and introduce a clause prohibiting the hawking or exposing for sale on Sundays of articles in places not being the place of residence of the owner; and he was ready to place the jurisdiction over the police in the hands of the commissioners of police, instead of the churchwardens. The good effects of the Police Act, which required that public-houses should be shut up at a certain hour in London, had been so approved, that numerous applications had been made for its extension to all parts of the country. The hon. Member concluded by urging the House to go into Committee on the Bill.

Mr. HUME did not think that a private Member of the House ought to legislate upon such a subject. The hon. Member for Ashton, who appeared to set himself up as a monitor or adviser in morals and religion, and the hon. Member for Salford, should inquire into the state of things at Ashton and at Salford, and it would be seen whether those Gentlemen had attempted to set an example of morality and religion there, and whether the same thing of which they complained did not exist at those places. He wanted to have from the hon. Member a list of the parishes in the metropolis which, he said, had applied for this Bill. He was sure Marylebone was not one. Let the House have evidence that the metropolis was worse than other places. It was not just to the poor, who were forced to toil late, and received their wages sometimes at a late hour on Saturday night, to shut the doors against them on Sunday. Why did not the hon. Member change places with them? Let him put himself in the situation of the working man, who could not get his wages until late on Saturday, and then say whether he would advocate the refusal on the Sunday of articles necessary for the support and comfort of himself and his family. It was not by Act of Parliament, it was by example, that this change should be made; and if the parochial officers would set a proper example, they would do more good than could be done by a Bill of this kind, imposing penalties for enforcing what the hon. Member called order, decency, and propriety.

Sir G. GREY felt disinclined to object to the House going into Committee upon the Bill which had been prepared by the hon. Member, backed as the measure was by the recommendation of a Committee last year, and supported by so many petitions; at the same time, he must say that a careful perusal of the Bill had confirmed the strong impression he had previously felt of the difficulty, if not impossibility, of legislating upon the subject. The Committee which sat last year had taken a great deal of evidence which justified the report they had made, that Sunday trading was carried on to a very great extent in the metropolis. Sunday trading had no doubt increased, and so had the population; but he did not believe that Sunday trading had increased more than in proportion to the increase of the population; on the contrary, he believed that Sunday was better observed; and the observance of Sunday, he thought, was best promoted by the encouragement of moral and religious feelings amongst the community than by legislation. At the same time, he was not prepared to say that it might not be necessary to pass a law to prevent Sunday trading, and to amend the present law. He should certainly not oppose the Motion for going into Committee on the Bill, if he were at all able to see his way in the matter. He was not opposed to the great object which the hon. Gentleman who introduced the Bill had in view; but he must say, as the hon. Gentleman had admitted so many exceptions, he did not exactly understand how they could pass such a Bill. To a great degree the Bill now before them was a re-enactment of the Act of Charles II. It did not alter that Act; and in so far as it professed to add to that law, it did not strike his mind that the further enactments were of much use. He was perfectly ready to assent to a principle which he believed to be in perfect accordance with the general feeling of the House, namely, that the possession by the working classes of one day of rest and repose was a very great blessing, not only to them but to all classes; and, so far as his influence went, he should gladly concur with those who exerted themselves to promote an observance of the Sunday. But, if the Bill were pressed, he should object to its being limited to the trading classes—he should strongly recommend the House to leave all classes open to the same legal operation, for otherwise he did not apprehend that this or any other measure would secure for the working classes rest and repose. In the course of the present discussion, he had heard the observance of the Sabbath placed upon a religious principle. He did not object to its resting on that ground; and he thought it highly important that the evils which arose from the non-observance of the Sabbath should be abated in the metropolis; but what he feared was, that the present measure would be inefficient for that purpose. The Bill, however, as it stood, suggested this to his mind, that there ought to be a clause altering the penalty to be incurred by persons trading on Sundays. By the Act of Charles II., open trading in a public market subjected a man to a fine of only *5s.*; and, as repeated acts of trading in one day were, in contemplation of law, only one act, traders in such cases might easily realise an amount of profit on any given Sunday much more than enough to cover the penalty of *5s.* Further, the clause which imposed upon churchwardens and overseers the duty of carrying out the Act seemed to him most objectionable; and he thought that the hon. Member ought to be prepared to abandon that clause and leave the matter in the hands of the police. Although he considered the hon. Member free from any censure, on account of his having taken charge of the Bill, yet it seemed to him (Sir G. Grey) that there were very grave objections to limiting the measure to a district of fifteen miles round the metropolis. It might be perfectly true that Liverpool, Birmingham, Manchester, and other great towns, had their local Acts for regulating and enforcing an observance of Sunday, and that the metropolis required something of the sort; yet it should not be forgotten that three of the metropolitan Members had objected to the Bill. For his part, he was very unwilling to set up any opposition that could have the effect of preventing their going into Committee on the Bill, and taking the opinion of the House on the several clauses; but, nevertheless, looking at the different and repeated attempts made to legislate on this subject—looking also at the difficulty of passing any such measure in the present Session of Parliament, he felt disposed to recommend the hon. Member to withdraw the measure, and in the meantime full consideration might be given to the subject.

SIR E. BUXTON should be sorry to see this question discussed as a religious question. They might do thus much, they might prevent parties trading themselves, and they might protect those who were disinclined to trade from the injurious competition to which a disregard of Sunday on the part of others exposed them. In Lambeth, from which he received communications, and in Spitalfields, of which he possessed some knowledge, the desecration of Sunday was of the worst character.

MR. CRAVEN BERKELEY said, it was his opinion, and he doubted not it was the opinion of the House also, that the observance of Sunday would be better promoted by the force of a good example on the part of the higher classes, and especially of the higher class of traders, than by anything that mere measures of legislation could effect. He held in his hand evidence taken before a Committee of the House, and the statement of a witness named Boggis was to this effect, that on Sunday he passed near the brewery of Messrs. Truman, Hanbury, Buxton, and Co., situate in Brick-lane, Spitalfields. With that establishment he believed that the hon. Baronet who spoke last was connected. The witness stated, that on the day in question a boy was passing along carrying a basket of dry figs; that the boy was taken up and carried off by the police merely for the offence of crying and selling a few figs, by the profits on which to obtain a morsel of food. That the same witness on the same day, about three o'clock, passing the brewhouse of the hon. Member opposite, heard the clanking of chains in the brewhouse, heard the noise of heavy operations, and witnessed the escape of a great quantity of steam, from which the inference was obvious that there, at all events, there was no rest or repose on the Sunday; but the poor boy was taken into custody because he sold a few figs to procure himself a crust, while a great company carried on the trade of brewing with impunity; and he doubted not that it was so in all breweries. Bearing these facts in mind, and looking at the Bill, he professed himself unable to see how he could give his support to what was so evidently a piece of class legislation. It was well known that at the west end of the town the fishmongers and dealers in ice did a great deal of business on Sundays—that great quantities of ice and pastry were consumed at the clubs and at the mansions of the rich and great; he therefore had resolved to use his best endeavours to have equal justice done to high and low.

Sir E. BUXTON never before heard of the accusation brought by the hon. Gentleman against the brewery with which he was connected. He could state with respect to that establishment, that no work was there carried on upon a Sunday, except works of absolute necessity. By far the greater part of the work done on Sundays consisted in the care and feeding of the horses. There were 300 men usually employed on week-days, and he believed there was no establishment in which less was done on a Sunday than in the brewery at Spitalfields. As to the clanking of the chains to which the witness referred, he might just state that the stables abutted on the street, and that the chains were merely those by which the horses were fastened; and the steam was thus occasioned—it was necessary that the boilers should be raised to a very high temperature, and there was, therefore, a continued escape of steam throughout the day. He would not say that there was absolutely no work done on the Sunday; but every means were taken to render that as little as possible. The watchman was the only person continually on the premises, and he certainly had the means of passing as quiet a Sunday as any one could desire. If the hon. Member opposite would do him (Sir E. Buxton) the favour of visiting the brewery on a week-day and on a Sunday, he could contrast the one with the other; he might hear the clanking of the chains, and he certainly must see that every effort was made to give the working men the full advantage of Sunday.

Mr. BROTHERTON had taken no part in preparing the measure, though his name stood on the back of the Bill. He did, however, willingly support a proposition calculated to check the progress of Sunday trading; one day in seven ought certainly to be set apart for rest and repose; and when he had the management of a large factory, he never allowed anything to be done on a Sunday, and he believed it to be in the long run the most profitable plan. He should not be deterred by the sneers of those Members who felt pleasure in teaching the people that there was no difference between right and wrong from supporting the Bill, believing, as he did, that it would not interfere in the slightest degree with the liberties of the people.

Mr. SPOONER entirely concurred in the observations of the hon. Member who had last spoken. Still, at this period of the Session, and considering what had fallen from the right hon. Gentleman the Secretary for the Home Department, it was his opinion that it would be desirable to withdraw the Bill for the present.

Mr. MUNTZ said, that every speech which had been delivered showed that there was great difficulty in legislating on this question. The hon. Baronet (Sir E. Buxton) said, that no work was carried on in his brewery on a Sunday except what was absolutely necessary. But was the plea of necessity to be limited to his case alone? No doubt, too, the boy with the figs was compelled by hard necessity to sell them on a Sunday. He recommended the hon. Gentleman (Mr. Hindley) to withdraw the Bill.

On the question that the words proposed to be left out stand part of the question, the House divided:—Ayes 75; Noes 47: Majority 28.

List of the AYES.

Alcock, T.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagge, W.
Baines, M. T.
Bentinck, Lord H.
Blandford, Marq. of
Buller, Sir J. Y.
Buxton, Sir E. N.
Campbell, hon. W. F.
Christy, S.
Clay, Sir W.
Clive, H. B.
Cowan, C.
Dalrymple, Capt.
D'Eyncourt, rt. hon. C.
Dundas, G.
Egerton, W. T.
Elliot, hon. J. E.
Farrer, J.
Forbes, W.
Frewen, C. H.
Galway, Visct.
Gladstone, rt. hon. W. E.
Godson, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hamilton, G. A.
Heald, J.
Heathcote, Sir W.
Hodgson, W. N.
Hood, Sir A.

Kershaw, J.
King, hon. P. J. L.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Lushington, C.
Mackinnon, W. A.
Macnaghten, Sir E.
McTaggart, Sir J.
Manners, Lord G.
Maule, rt. hon. F.
Milner, W. M. E.
Moffatt, G.
Monsell, W.
Mullings, J. R.
Napier, J.
O'Brien, Sir L.
Pearson, C.
Perfect, R.
Reid, Col.
Richards, R.
Robartes, T. J. A.
Sandars, J.
Seymer, H. K.
Sheridan, R. B.
Sidney, Ald.
Spooner, R.
Stafford, A.
Stuart, Lord D.
Thicknesse, R. A.
Thompson, Col.
Tufnell, H.
Vyse, R. H. R. H.
Watkins, Col.
West, F. R.
Westhead, J. P.
Williams, J.
Wilson, M.
Wood, W. P.

TELLERS.
Hindley, C.
Brotherton, J.

List of the NOES.

Anstey, T. C.
Bailey, J.
Berkeley, hon. H. F.
Berkeley, hon. C. F.
Bouverie, hon. E. P.
Brown, W.
Butler, P. S.
Caulfield, J. M.
Cobden, R.
Crawford, W. S.
Dick, Q.
Divett, E.
Ellice, rt. hon. E.
Emlyn, Visct.
Fagan, W.
Forster, M.
Fortescue, C.
Fox, W. J.
Fuller, A. E.
Gooch, E. S.
Greene, J.
Grenfell, C. W.
Hallyburton, Lord J. F.
Hastie, A.
Hayter, W. G.
Hodges, T. L.
Howard, P. H.
Hume, J.
Lowther, hon. Col.
Mackenzie, W. F.
Maitland, T.
Manners, Lord C. S.
Melgund, Visct.
Meux, Sir H.
Mitchell, T. A.
Mostyn, hon. E. M. L.
Mowatt, F.
Muntz, G. F.
O'Connor, F.
Ogle, S. C. H.
Pattison, J.
Pechell, Capt.
Smith, rt. hon. R. V.
Sturt, H. G.
Thornely, T.
Tynte, Col.
Worcester, Marq. of

TELLERS.
Slaney, R. A.
Wall, L. B.

The Bill went through Commitee *pro formâ*. To be recommitted.

QUALIFICATION OF MEMBERS BILL.

MR. MOFFATT, in moving the Second Reading of this Bill, said, that it involved no new principle; its object was simply to prevent the abuse of one of the few remaining privileges of Members of that House. Hon. Gentlemen were aware that according to the Orders of the House, Members were privileged from arrest for debt. He believed that that privilege had in many cases been abused. He conceived, however, that it could not be abused if the rules and regulations of the House, which required that every Member, not only on taking his seat, but so long as he sat and voted in the House, should possess a qualification of 300*l.* a year, were maintained. This Bill provided that in case judgment was obtained in a court of law against any Member of that House, the creditor might petition the House, stating that the debtor was either unable or unwilling to satisfy his claim. He proposed that such petition should be referred to a Committee of the House, who should decide whether there was any sufficient cause for the non-payment of the debt, and who should determine whether there was ground for disqualifying the Member petitioned against. In order to check any abuse of the power given under this Bill to creditors, he proposed that if it should appear that petitions were presented on insufficient grounds, and with the view of causing annoyance to Members, the petitioners should be required to pay all the expenses of the proceedings. It had been suggested to him that he should have brought forward a measure for the total abolition of the privilege; but he considered that such a step might have the effect of involving the House in continual altercations with the courts of law. It had also been said that the Bill was imperfect, because it did not extend to the Members of the other House of Parliament. He conceived, however, that there was great force in the statement of the right hon. Member for Tamworth (Sir R. Peel), who in 1831, when supporting a measure similar to the present, observed that he had found, in every case where the Commons had conceded a privilege, and where a similar privilege was enjoyed by the other House of Parliament, the same concession had been made by their Lordships. On this ground, therefore, he (Mr. Moffatt) had limited the operation of this Bill to the Members of that House.

MR. NEWDEGATE thought it most unfair that a Member against whom a judgment had been obtained—no matter by what means or for what amount, and possibly even without his knowledge—should be disqualified by that fact on the report of a Committee, the House having no option in the matter. He protested against constituting a Committee of that House a court for the trial of cases of debt.

SIR G. GREY said, that, immediately after this Bill was printed, three months ago, he had carefully perused it, and had submitted it to a gentleman of high position in the legal profession, who considered that there were great objections to the machinery of the measure. He (Sir G. Grey) assented to the principle of the Bill, that Members of that House ought not to be protected against the payment of their just debts; but there were most formidable objections to the present measure, which he had communicated to the hon. Member by whom it was introduced, and which led him to recommend the House not to give it their sanction. Considering the extent of the alterations it would be necessary to propose, and the late period of the Session, the hon. Member would do well not to press the Bill.

Mr. MOFFATT had done his duty, and would yield to the wish of the House, and renew the Bill next Session.

Order discharged.

House adjourned at a quarter past Five o'clock.

HOUSE OF LORDS,

Thursday, July 13, 1848.

MINUTES.] PUBLIC BILLS.—1^a Protection of Women; Charity Trusts Regulation.

2^a Canada Union Act Amendment; County Cess (Ireland); Officers of Courts of Justice (Ireland) Assimilation of Appointments.

3^a Cruelty to Animals Prevention; Payment of Debts out of Real Estate.

PETITIONS PRESENTED. From Citizens of Montreal, Canada, for the Total and Immediate Repeal of the Navigation Laws, and for the Opening of the River Saint Lawrence, to Ships of all Nations.

PROTECTION OF WOMEN BILL.

LORD BROUGHAM said, it would be in the recollection of the House that the Protection of Females Bill was rejected a few evenings ago; but as he thought that it was most desirable to obtain the chief object of that measure, he had prepared another Bill on the subject, which he would lay on the table, which would impose penalties only in case of the seduction of virtuous and correct females by fraud and covin. He should move that the Bill be now read a first time, and appoint the second reading for Monday.

LORD CAMPBELL hoped his noble and learned Friend would be able to accomplish the object in view, which was extremely laudable; and he certainly was unwilling to throw any impediment in the way of his noble Friend. What he wished to state was, that when a Bill for the attainment of a particular object had been rejected during the course of a Session, he doubted whether, consistently with the Orders of the House, a Bill for the same purpose cauld be brought forward during the same Session. He would suggest, therefore, whether it would not be better at once to defer the measure to the next Session.

LORD BROUGHAM said, he would propose instead of Monday to take the second reading on Tuesday; and if upon conferring with his noble and learned Friends opposite, and with his noble and learned Friend on the woolsack, and with the noble Chairman of Committees, he found the feeling was against him, he would not proceed further with the measure this Session.

LORD DENMAN said, he should not be able to attend on Monday or Tuesday; but he must say he felt the greatest apprehension and alarm at any such measure as that now proposed, on which his noble and learned Friend had touched lightly. The subject, however, was one on which every one must feel great anxiety: for his own part, he could only observe, that it was only after much consideration that he had come to the conclusion that such measures would do more harm than good.

Bill read 1^a.

INDEPENDENCE OF PARLIAMENT (No. 2) BILL.

Order of the Day for the Second Reading read.

LORD BROUGHAM wished to ask a question of his noble Friend (the Marquess of Lansdowne) as to this Bill, which stood for a second reading to-night. His noble Friend was aware that in 1812 the late Mr. John Smith introduced a Bill, which received the sanction of Parliament, by which it was enacted that if a person became a bankrupt as a trader, and did not resign his seat before the expiration of twelve months, a new writ should be issued for the place he represented at the end of this period. Now he (Lord Brougham) did not see why this should not extend to all insolvents, when the parties were not traders. It should be recollected that this class of persons thus holding seats in Parliament who were law makers, were in point of fact law breakers, and by their conduct guilty of a gross fraud in Parliament. He wished to ask his noble Friend whether he was prepared to introduce a Bill for the purpose which he had in view? If his noble Friend thought it better not to pass the Bill at present, he would postpone it.

The MARQUESS of LANSDOWNE suggested that however good the object of the Bill, such a measure ought more properly to proceed from the other House.

Lord BROUGHAM said, he was ready to admit that this measure, in extent, more properly affected the House of Commons than that House, and it might be well to allow it to originate there. He would not proceed with the Bill at present.

Order for the second reading discharged.

Bill, by leave of the House, withdrawn.

CRIMINAL LAW ADMINISTRATION AMENDMENT BILL.

Lord CAMPBELL wished to make a few preliminary observations before he moved that the House should resolve itself into Committee on this Bill. This Bill had been sent upstairs to a Select Committee, and some important changes had been made in it. He was extremely anxious that the public should be satisfied that everything had been done which was requisite to perfect this measure. One of the very important questions which came before the Committee was, as to whether in all criminal cases the power should be given of moving for new trials as in civil cases. For his own part, he saw many objections to carrying out this object to the fullest extent; but still it was a matter worthy of serious consideration. The Committee had examined many witnesses who entertained opinions on both sides of the question, from whence the most satisfactory information could be obtained on the subject; and amongst others they had called before them two gentlemen of great learning and ability, who had devoted much attention to the subject—he alluded to Sir Fitzroy Kelly and Mr. Greaves—and they gave it as their opinion, that the same course should be pursued in criminal as in civil cases, and that no judgment or execution should be enforced on any criminal tried until four days after the commencement of the next term, during which period application could be made to one of the courts in Westminster Hall. In such cases the parties, on applying for a new trial, should produce affidavits showing that the witnesses examined on the trial were not worthy of credit, for that further evidence could be produced for the defence; and it was also proposed that the other party might show cause against the rule for the new trial. It was admitted that parties might go on for three or four trials, until a satisfactory verdict was obtained. He (Lord Campbell) need hardly say that under such an arrangement very great delay would arise, and they must bring all the criminals convicted throughout the country up to London. He did not believe that the allegation as to the extent of cases in convictions in criminal law had been substantiated. He did not conceive that it would be necessary to go beyond the provisions on this subject contained in the Bill, namely, to allow an appeal from conviction at quarter-sessions to Judges going the assizes. One of the most learned of the Judges—he meant Mr. Justice Pattison—had authorised him to say, that in the course of his experience, which went to the extent of twenty years, he did not remember any case in which the verdict of guilty was not justified by the evidence. He had also stated that, if applications for new trials were to be made on the ground of the discovery of fresh evidence, it would open the door to fraud and perjury to such an extent as would be utterly ruinous to the administration of justice. It would have the effect of producing numberless false witnesses, and in many cases the prosecutor would be bought off. This opinion of the learned Judge was fully concurred in by two of the most distinguished legal ornaments in this country. He thought after this the House would agree with him in thinking that they went to the proper extent in limiting the appeal from the quarter-sessions to the Judges in Assize to questions of law.

Lord DENMAN said, that he entirely concurred in much that had fallen from his noble and learned Friend. Before, however, he proceeded to advert to what had fallen from his noble and learned Friend, he wished to make a few observations. Probably their Lordships were aware that there was then before the other House of Parliament a Bill to authorise applications for new trials in all criminal cases. He believed that it would be impossible to carry on the proper administration of justice under such a system, nor did he believe that the state of things in any degree justified such a measure. The delay that would be occasioned by the endeavour to carry such a law into effect, would be an immense evil. With respect, however, to the Bill before the House, it was his intention to move the omission of its two first clauses; for if appeals were to be sent to the Judges on every doubtful point of law which might arise at quarter-sessions, it would become a most serious obstruction to the business of the courts. He believed, also, that at present there was no just ground of complaint as regarded points of law in criminal cases, or the decisions at quarter-sessions. He happened to know that the opinions of nearly the whole of the Judges were against the adoption of the proposed plan. [The noble and learned Lord proceeded to read extracts from the evidence of the several Judges examined before the Select Committee on this Bill.] The House would therefore see that almost the unanimous opinion of the Judges was against this Bill. Under these circumstances, he thought that he had said enough to justify him in asking the House not to consent to these clauses. The deliberations ought not to be secret in their nature. Every means should be taken to ensure the acquittal of innocent men; but this should be done consistently with the prevention of impunity to offenders through technical points, when all the world saw that they were guilty. Those who beheld the law thus defeated, had their minds most injuriously affected with regard to its administration.

Lord BROUGHAM said, he entirely agreed with his noble and learned Friend who had just spoken. An opinion had prevailed for a long time, especially in the other House of Parliament, that the criminal law of this country was very defective, and that prisoners tried for offences were often ill-used through having no power of appeal. It was a great mistake to suppose that it was possible to apply the same rule in criminal as in civil suits; and he could never agree with Sir F. Kelly that in criminal cases there ought to be a new trial. If the criminal law was to be administered, their Lordships could not adopt the proposal under consideration. Any one who examined the practical details of the subject, whatever had been his previous prejudices, must rise from the perusal with a complete conviction that the question was not one at the option or discretion of the Legislature. In order to carry out the proposal, it would be necessary to double the year, to double the number of Judges, and to have judicial sittings in July as well as in November. There was not a single power exercised by the Court of Cassation in France, which was not exercised in a Court of Error in this country. He admitted that the Bill was in some respects an improvement on the present practice; but he entirely concurred with his noble and learned Friend in wishing to omit the first two clauses.

Lord CAMPBELL said, he could not accede to the Amendment.

House in Committee.

Lord DENMAN moved to omit the first two clauses.

Lord CAMPBELL said, that it was proposed to enact that there should be an appeal from the courts of assize and from the Central Criminal Court, where the Judges of the land presided, to another tribunal, which was to be constituted of a selection from all the Judges. The necessity for such a tribunal was admitted; the only question was, whether or not there should be a similar tribunal to decide the difficult questions which arose in the courts of quarter-sessions. Many difficult questions undoubtedly arose in these courts, and, *primâ facie*, it appeared that on questions which concerned the liberty of the subject, the power of appeal should exist. The parties who presided at quarter-sessions were gentlemen who, devoting their leisure to the service of the country, performed their duties with great diligence, and with benefit to society; but surely they were not more deserving of trust, or less liable to error, than the Judges of the land, who had received a regular professional education, and were intimately acquainted with the law. During the time that he (Lord Campbell) held the office of Attorney General, the practice, when difficult questions arose, was for the chairman of the quarter-sessions to write to the Home Secretary. The Home Secretary then consulted the Attorney and Solicitor General; and if their opinions were in favour of the prisoner, he was pardoned; if against him, the sentence was executed. He could not consider that a satisfactory mode of proceeding. It was generally considered one of the imperfections of the court of quarter-sessions that there was no appeal whatever in criminal cases. Both Mr. Baron Parke and Mr. Baron Alderson had frequently expressed to him their entire approbation of giving the same right of appeal from that court as existed in the case of the courts of assize. The noble Lord then referred to the evidence of a learned Serjeant, who had for many years filled the office of chairman of the court of quarter-sessions for Sussex; and of another legal gentleman, who had been chairman of a similar court in Gloucestershire, both of whom were in favour of appeal; and the former stated that he had little apprehension of the appeals being inconveniently numerous. The great evil which he (Lord Campbell) wished to remove was the circumstance of a man's remaining at present a convicted felon, even though it turned out that he had been improperly found guilty.

Motion agreed to. Clauses struck out.

Remaining clauses assented to.

Bill to be reported.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 13, 1848.

MINUTES.] PUBLIC BILLS.—1° Sale of Beer; Sugar Duties; Bankruptcy; Renewable Leasehold Conversion (Ireland); Corrupt Practices at Elections.

2° Ecclesiastical Unions and Divisions of Parishes (Ireland).

Reported.—Incumbered Estates (Ireland).

3° and passed;—Trustees Relief (Ireland).

PETITIONS PRESENTED. By Mr. Hume, from the Inhabitants of Carshalton, Surrey, and several other Places, in favour of an Extension of the Elective Franchise.—By Mr. Hume, from Kensington, Hammersmith, Chiswick, and Chelsea, in favour of Returning Two Members, to Represent those Places.—By Lord George Manners, from several Inhabitants of Manchester, for the Adoption of Universal Suffrage.—By Lord Charles Manners, from the Parish of Cole Orton, in the Diocese of Peterborough, for Increasing the Number of Bishops and Clergy of the Church of England.—By Mr. Ormsby Gore, from the Congregation of the Primitive Methodists of the Town of Oswestry, Salop, for a Better Observance of the Lord's Day.—By Lord Alfred Hervey, from the Parish of Hove, Sussex, against the Sale of Spirituous Liquors on the Sabbath.—By Mr. Hume, from Stellenbosch, Cape of Good Hope, in favour of a Representative System for that Colony.

HUDSON'S BAY COMPANY.

The EARL of LINCOLN asked the Under Secretary for the Colonies whether a Commission had been appointed, either by the Secretary of State for the Colonies or by the Governor General of Canada, to inquire into the complaints of Mr. Isbister, and others, against the present government of the Red River Settlement, or against the Hudson's Bay Company generally; and whether, if no inquiry were now pending, he would lay on the table of the House any correspondence which had taken place on the subject? Also, whether a grant had been made by the Secretary of State for the Colonies of Vancouver's Island to the Hudson's Bay Company; and, if so, what was to be the form of government; what regulations had been made as to the working of coals and minerals; and what stipulations had been entered into as to the future colonisation of the island? Also, whether there would be any objection to lay on the table of the House copies of correspondence between the Colonial Office and the Hudson's Bay Company on this subject, and of the charter, if any, granted to the company?

MR. HAWES, in answer to the noble Lord's first question, begged to state that in the course of last year certain complaints were made at the Colonial Office against the Hudson's Bay Company generally by Mr. Isbister, who was over in this country; which complaints were referred to the Hudson's Bay Company, with a request that they would answer the various allegations. These answers, however, when received, not being altogether satisfactory, and his noble Friend at the head of the Colonial Office feeling that the whole subject required more investigation, the original complaint and answers were intrusted to Lord Elgin, the Governor General of Canada, whose attention was specially directed to the whole question. About a fortnight ago an answer had been received from Lord Elgin, who stated that he had found great difficulty in instituting the inquiry which he had been called upon to make, and in obtaining correct information on the subject, which, considering the distance of the territory, was not to be wondered at; but, as a general result, his Lordship stated that his opinion was favourable to the government of the Hudson's Bay Company. An opportunity had since been taken by a Queen's officer, who was going out to the Red River Settlement, to protect the public peace, and who was instructed to inquire into all the allegations, and to report. At the present moment, therefore, he thought it would be hardly just to the Hudson's Bay Company to lay the correspondence on the table.

BRIBERY AT ELECTIONS.

LORD J. RUSSELL rose and said: I rise with the view of stating the course which I propose to take with respect to the two Bills which stand first on the Orders, viz., the Borough Elections (No. 2) Bill, and the Horsham Borough Bill. What I propose to do, in the first place, is to discharge the orders for these two Bills, and to state the outline of the measure I intend to propose in their place. I have endeavoured in this measure to avoid some of the objections which were stated to the Bill introduced by my hon. Friend the Member for the Flint boroughs (Sir J. Hanmer); but, certainly, I cannot hope that I have succeeded in obviating all of them. The House is aware, that in the Act of Parliament which I had the honour of carrying in August, 1842, entitled "An Act for the Better Discovery and Prevention of Bribery and Treating at the Election of

Members of Parliament," it is provided that in all cases where charges of bribery shall have been abandoned, or where there is any suspicion entertained of a compromise having taken place among the parties, or where any other charge of bribery shall have been made, whether in support of the original petition or by way of recrimination, the Election Committee shall have power to examine into the circumstances, and report whether further investigation is needed. If the Committee shall recommend further inquiry, the House shall then instruct them to consider what were the grounds for abandoning such charges, and to prosecute the matter further. I have now to state the general alterations in that law which I propose to introduce. I propose to extend the provision just alluded to, and to provide that in all cases where charges of bribery and corrupt practices are made —whether in the original petition or by way of recrimination—the Election Committee shall proceed to investigate such charges; and if they shall find, as is frequently the case, that the parties do not proceed to bring forward evidence of such charges so as to enable them fully to investigate the case, they shall have power to proceed to report to the House that in their opinion further investigation is needed with respect to the corrupt practices, in order to ascertain whether such corrupt practices have extensively prevailed; they shall also report further their opinion whether such inquiry should be made by the same Committee, or whether it should be made on the spot by Commissioners appointed under the Act. In case they shall recommend that the same Committee should investigate the charges, the Committee shall reassemble within fourteen days, according to the powers given them in the Act of the 5th and 6th Victoria, cap. 102, in the same way as if the charges of bribery had been abandoned, or there was reason to suppose that a compromise had taken place. In that case also the Speaker shall appoint an agent to conduct the investigation before a Committee. Supposing the Committee should take the other course, and recommend that the inquiry should be made by the Commissioners upon the spot, then the Speaker shall notify to the senior Judge of assize going the circuit, who has authority to appoint revising barristers, that the House of Commons have determined that an inquiry shall be made into the corrupt practices in such a borough, within such a county or district, and that he shall nominate two barristers—not Members of Parliament—to investigate the matter. I propose to refer the appointment of these Commissioners to a Judge of assize, because it would then be impossible to say that there were any political motives in making the appointment, and because all suspicion would thus be avoided, by placing such appointments in his hands. These Commissioners shall then, within a certain time, investigate on the spot all the circumstances relating to the charges of bribery and corrupt practices, and report to the House whether the bribery and corrupt practices were casual or general in the said borough. Having made that general provision, whereby bribery and corrupt practices will be investigated in future, I propose to apply the principle of the Bill to those boroughs concerning which inquiries have already taken place before Election Committees, and the Members of which had been unseated in consequence of evidence of corrupt practices having been given. This has occurred at least in one case (that of the borough of Leicester), if not in more. The House will have to decide whether new writs should be issued with respect to those cases, or whether they should be suspended with a view to make further inquiry before such writs issue. In some cases, it is true, the writs have already been granted, but in others they have not. It seemed to me that the general impression of the House, in respect to most of those cases, was that some further inquiry should be made. The principle upon which I proceed is this: assuming that such a Bill as that of which I have just stated the outlines had been in force, in that case the Election Committee would have reported whether any further investigation was required; and if, upon their statement, it appeared that further investigation was required, you then would have proceeded under the powers of the Election Act to appoint a Select Committee, or Commissioners, according as the one or the other should be adopted by the House, to carry on the investigation. What I think to be defective in the Act of 1842 is, that the Committees have been necessarily obliged (with the exception of the case of Leicester) to stop short in their inquiries, and had not the power to proceed with a view to ascertain, in such a manner as would enable them to state it in their report, whether the cases required to be further investigated—whether, in fact, bribery and corruption had been practised in a few instances only, or whether those practices had been general and extensive. This defect will be remedied by the Bill which I propose to introduce. I likewise intend to introduce a clause giving indemnity in certain cases to witnesses examined before such Committees or such Commissioners; also providing that such witnesses shall not be called upon in any penal or criminal proceeding. It has always appeared to me necessary to give an indemnity of some kind to witnesses in cases of bribery and corruption, although I know that many eminent lawyers, Members of this House some five or six years ago, whom I consulted upon the subject, were of opinion that it would be far better to repeal all the laws which fixed any penalties on parties guilty of acts of bribery, and leave such parties subject only to the punishment of the loss of their votes, or of their seats in this House. They were of opinion that that course would be much better than giving an indemnity to witnesses, and continuing the present state of the law. I did not, however, at that time concur in that opinion, although it was given on very high authority by eminent lawyers on both sides of the House. I did not think it advisable to proceed so far as to repeal all penalties on parties guilty of bribery and corrupt practices at elections. I believe that if we were to do so, it would lead to great misapprehension, and, although it may be more efficient in the end, yet I think in the first instance it would occasion a great increase in the practice of those offences. I now beg to move—

> "That the Orders of the Day respecting the Borough Elections (No. 2) Bill, and the Horsham Borough Bill, be discharged, and that leave be given to bring in a Bill for the purpose of instituting Inquiries as to the existence of Bribery and Corrupt Practices in certain Boroughs, and also for the Prevention of Bribery and Corruption at the Election of Members of Parliament."

The order for Committee on the Borough Elections (No. 2) Bill, and the order for resuming the debate on the Horsham Borough Bill, were read and discharged.

Leave given to bring in the Corrupt Practices at Elections Bill.

INCUMBERED ESTATES (IRELAND) BILL.

House in Committee.

On Clause 2,

The SOLICITOR GENERAL said, it was proposed to omit the words which went to limit the sale of property under the directions of the court, unless it sold for a sum sufficient to pay off all the incumbrances.

MR. M'CULLAGH proceeded to state the object of the Amendment of which he had given notice. The Bill as at present framed limited the right of petitioning for a sale to the owner of the estate, to the first incumbrancer, and to the mortgagee who might hold the title-deeds in his possession. He was desirous of removing such limitation, and permitting any incumbrancer to institute proceedings in a court of equity for a sale. The parties on whom the clause exclusively conferred the power, were precisely those who in general were least disposed to sell. The owner of an estate heavily incumbered has ceased too frequently to retain any direct interest in its possession, excepting that which he valued very naturally, and not undeservedly, the consideration and position which had come to him by inheritance, and which, with the inheritance, he is conscious that he must lose. To expect such a man to initiate proceedings in equity for a sale would be idle. Were the highest price realised, and all his creditors paid off, the balance in many instances that would remain would not enable him to maintain what is familiarly termed his position in the county; and if he happened to be but tenant for life, the interest annually payable to him out of court upon this residuum would be inadequate to maintain him in that social sphere in which he had hitherto moved. If you waited until the insolvent, or nearly insolvent, owner petitioned for a sale, you might wait for ever. Then as to the first incumbrancer, he believed it would be found that the first incumbrancer was, generally speaking, a person holding a charge under family settlement, or an old judgment on a bond. In Ireland these early charges and old judgments were looked upon as about the best investment that could be had. They were transferable, and always brought their full price whenever they were sold. They were valued like old pictures, which the possessor was always the less disposed to part with because he knew that they would always bring him his own money, If, therefore, lands were never brought to sale until persons so circumstanced filed petitions in equity to raise the amount of these charges, sales to any considerable extent there would never be. As for the principal mortgagees, who had the title-deeds in their possession, those parties had usually taken very good care either to buy up prior incumbrances before they lent any considerable sum to the owner, or to leave a sufficient margin of rent to secure the payment of their interest. Sometimes these parties were wealthy individuals who had lent their money in this way as a permanently safe and profitable investment. Sometimes they were joint-stock companies or money-lenders; but, almost invariably, they felt themselves to be in exactly the position where there was seldom any object or motive to institute proceedings for a sale. The estate might deteriorate, as heavily incumbered properties were apt to do; but they were distant from the scene; indifferent to the slow decay; safe, by their possession of the title-deeds, from the practical consequences of the evil. To wait till such parties filed petitions of sale would be to wait for ever. In the course of the discussions that had taken place upon this Bill on a previous day, he regretted to observe a tone of argument indicative in some sort of a feeling that, after all, this was a mere wrangle between landlords and lawyers. But there was another and a far wider interest concerned, which he trusted the House would protect and guard —he meant that of the tenantry on incumbered estates in Ireland. Their position was most lamentable. Improvement was unknown, and escape from the evil impossible. Year after year the condition of the embarrassed property grew worse, until, in the sad progress of deterioration, the time came when, every other duty of proprietorship having ceased to be discharged, the collection of the rents devolved upon a receiver; and what misery and demoralisation were comprehended in that fatal phrase, it could be hardly necessary to explain. Now, what was the condition of the puisne incumbrancer? He watched the gradual deterioration of the estate on which he had lent his money with a very different eye. The eventual danger of a deficient fund was ever present to his mind. If he were enabled to do so, he would institute proceedings for a sale before it was too late. By doing so he would do a real service to the improvident owner, and an inestimable benefit to the tenantry of the portion which might be sold. The Amendment which he had the honour to move, would clothe the minor incumbrancer with this power; and it would, he believed, go far towards the gradual encouragement of what was so desirable, but what, at present, did not practically exist in Ireland, a market for land. People talked of bringing land into the market. Into what market? If they meant by a market the competition of small capitals for moderate portions of land, he could understand it; but if they meant a forcing of large estates, unbroken and in great numbers, suddenly to sale, then he would tell them that the only practical effect would be to depreciate most ruinously the present value of land, and to hand over a vast portion of the soil of Ireland to a class of mere land-jobbers. He was sure that such was in no respect the purpose or aim which the framers of the Bill had in view. But he very much feared that such would to some extent be its unintentional tendency, if some means were not found of permitting portions of estates rather than entire estates to be sold in liquidation of minor incumbrances. He had heard with the deepest interest the speech delivered on a former day by the right hon. Baronet (Sir J. Graham); and by nothing was he more struck than by the caution with which he guarded his strenuous support of the principle of the Bill from any approval of recklessly throwing more land upon the market than the capital of Ireland could appropriate, and thus incurring the incalculable evil of general depreciation. The Amendment would restore the second clause to the condition in which it stood when the Bill was originally introduced into the other House last year; and he earnestly hoped, therefore, that Her Majesty's Government would not refuse to adopt it.

Sir J. GRAHAM said, they should keep in view that the purpose of the measure was not so much the sale of large estates as the formation of small ones, for the purposes of creating a yeomanry connected with the land, and living on their estates. Upon this ground he thought it important that the attention of the noble Lord should be directed to the subject of the stamp duties, with a view to their reduction, so far as regarded the transfer of property in land. [Mr. Osborne observed, that notice had been given of a clause for that purpose.] The Stamp Acts, as they at present stood, greatly favoured the sale of large estates, or rather rendered it very expensive to acquire small ones; and he thought that the objects of the present measure would not be efficiently advanced without an alteration in the stamp duties on the transfer of real property.

The SOLICITOR GENERAL could not assent to the suggested alteration. All the expenses of effecting a sale must eventually fall on the estate; and he did not think it expedient to give to any one incumbrancer the power of subjecting the estate to a forced sale, contrary to the interests of the owner and the other incumbrancers.

Clause agreed to.

On Clause 7,

Mr. NAPIER having moved its omission, the Committee divided:—Ayes 64; Noes 8: Majority 56.

List of the Ayes.

Abdy, T. N.
Adair, R. A. S.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Barnard, E. G.
Bellew, R. M.
Boyle, hon. Col.
Bright, J.
Brotherton, J.
Brown, H.
Campbell, hon. W. F.
Caulfield, J. M.
Clive, H. B.
Cobden, R.
Cowper, hon. W. F.
Craig, W. G.
Drummond, H. H.
Fagan, W.
Fitzpatrick, rt. hon. W.
Fortescue, C.
Greene, J.
Grey, rt. hon. Sir G.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Heald, J.
Henry, A.
Herbert, H. A.
Hood, Sir A.
Humphery, Ald.
Kildare, Marq. of
Lewis, G. C.
Macnaghten, Sir E.
Maitland, T.
Monsell, W.
Mullings, J. R.
O'Connell, M. J.
Osborne, R.
Palmer, R.
Parker, J.
Perfect, R.
Rendlesham, Lord
Romilly, Sir J.
Russell, Lord J.
Salwey, Col.
Sheil, rt. hon. R. L.
Smith, J. B.
Somerville, rt. hon. Sir W.
Sullivan, M.
Tancred, H. W.
Tennent, R. J.
Thompson, Col.
Thornely, T.
Trelawny, J. S.
Turner, G. J.
Vivian, J. E.
Wawn, J. T.
Williams, J.
Wilson, M.
Wood, W. P.
Wyld, J.
Young, Sir J.

TELLERS.

Hill, Lord M.
Tufnell, H.

List of the Noes.

Bourke, R. S.
Ferguson, Sir R. A.
Grogan, E.
Hamilton, G. A.
Maxwell, hon. J. P.
O'Brien, Sir L.
Sadlier, J.
Walsh, Sir J. B.

TELLERS.

Dunne, H.
Napier, O.

Clause to stand part of the Bill.

On Clause 34, which provides for notices of proposed sales without order of the court,

Sir J. GRAHAM thought that the particular clause then under consideration required the most serious attention, because he held it to be of primary importance that while every facility should be given to tenants for life to sell encumbered estates, peculiar care should be taken that there should be no collusive sale, and that the full value of the land should be obtained. It had been suggested to him that for the purpose of preventing collusive sales, and with the view of obtaining the full value of the land, the sales should take place by public auction. It had also been suggested, that for the purpose of securing the same object, it was desirable that the sale should take place in the master's office, with the power of opening the biddings; but to this last proposal he had an insuperable objection. He wished to know, however, from the Solicitor General whether he had any strong and decided objection to the proposal that the sales should be by public auction?

The SOLICITOR GENERAL certainly would not object to the proposal, provided he was quite sure that sales by auction would be a security against fraud; but he feared that if fraud was intended, it would be perpetrated by public auction as well as by private contracts. He had always found, and he thought it would be the experience of most persons, that it was far the best course to give the power of selling either by public auction or by private contract, as might be found most advisable; because, if they limited the sale to either the one or the other mode, they would in many cases preclude a party from selling to the best advantage. He admitted, that if they were to limit the sale to one or other of these modes, it ought to be limited to sales by auction. If it was the opinion of the Committee that the sale should be by auction, he would not oppose it; but he presumed the right hon. Baronet, to whom he owed great obligations for the assistance he had rendered in improving the provisions of the measure, would not object to the estate being sold by private sale, if it could not be disposed of by auction.

Sir J. GRAHAM could conceive the case of a tenant for life having an interest in effecting a sale to the detriment of the heir in remainder, he being a minor, or under parental control; and therefore he thought the greatest care should be taken to prevent fraud. Perhaps the Solicitor General would consult the other law authorities on this point, and be able, on the report, to bring up the clause so altered as completely to meet the case.

The SOLICITOR GENERAL acceded to the suggestion.

Amendment agreed to.

On Clause 63 being proposed (no petition for sale without consent where an incumbrancer is in possession or during pending suits),

COLONEL DUNNE moved its omission.

The Committee divided:—Ayes 165; Noes 30: Majority 135.

List of the AYES.

Adair, R. A. S.
Aglionby, H. A.
Armstrong, R. B.
Baines, M. T.
Barkly, H.
Bellew, R. M.
Benbow, J.
Birch, Sir T. B.
Bolling, W.
Bouverie, hon. E. P.
Bowring, Dr.
Brand, T.
Brockman, E. D.
Brotherton, J.
Brown, W.
Buller, C.
Bunbury, E. H.
Buxton, Sir E. N.
Campbell, hon. W. F.
Carew, W. H. P.
Caulfield, J. M.
Christy, S.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Clive, H. B.
Cocks, T. S.
Courtenay, Lord
Cowan, C.
Craig, W. G.
Crawford, W. S.
Cubitt, W.
Devereux, J. T.
Drax, J. S. W. S. E.
Drummond, H.
Dundas, Adm.
Ebrington, Visct.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, W.
Fagan, W.
Farrer, J.
Ferguson, Sir R. A.
Fitzgerald, W. R. S.
FitzPatrick, rt. hn. J.W.
Floyer, J.
Fortescue, hon. J. W.
Freestun, Col.
Glyn, G. C.
Goddard, A. L.
Gore, W. O.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Halsey, T. P.
Hardcastle, J. A.
Hastie, A.
Hayes, Sir E.
Hayter, W. G.
Headlam, T. E.
Heathcoat, J.
Henley, J. W.
Henry, A.
Heywood, J.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hood, Sir A.
Horsman, E.
Howard, P. H.
Howard, Sir R.
Hume, J.
Jervis, Sir J.
Jones, Capt.
Kildare, Marq. of
King, hon. P. J. L.
Knox, Col.
Labouchere, rt. hon. H.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Macnaghten, Sir E.
Maher, N. V.
Mahon, Visct.
Maitland, T.
Maule, rt. hon. F.
Milner, W. M. E.
Mitchell, T. A.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mullins, J. R.
Muntz, G. F.
Neeld, J.
Noel, hon. G. J.
Norreys, Lord
O'Connell, M. J.
O'Connor, F.
Ogle, S. C. H.
Osborne, R.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pearson, C.
Pechell, Capt.
Perfect, R.
Pilkington, J.
Pinney, W.
Price, Sir R.
Raphael, A.
Rendlesham, Lord
Reynolds, J.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Col.
Sandars, J.
Scholefield, W.
Scully, F.
Seymer, H. K.
Shafto, R. D.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Simeon, J.
Smith, rt. hon. R. V.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stuart, Lord D.
Sullivan, M.
Talbot, J. H.
Tancred, H. W.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Townley, R. G.
Trelawny, J. S.
Turner, G. J.
Vesey, hon. T.
Villiers, hon. C.
Vivian, J. H.
Ward, H. G.
Watkins, Col.
Wawn, J. T.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyld, J.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Baldock, E. H.
Bateson, T.
Bennet, P.
Beresford, W.
Boldero, H. G.
Bourke, R. S.
Bremridge, R.
Burghley, Lord
Cole, hon. H. A.
Dodd, G.
Farnham, E. B.
Forbes, W.
Fox, R. M.
Frewen, C. H.
Fuller, A. E.
Hamilton, G. A.
Hodgson, W. N.
Hotham, Lord
Maxwell, hon. J. P.
Napier, J.
Newdegate, C. N.
Nugent, Sir P.
O'Brien, Sir L.
Sadlier, J.
Somerset, Capt.
Stuart, H.
Tollemache, J.
Waddington, H. S.
Walsh, Sir J. B.
Wodehouse, E.

TELLERS.

Dunne, Col.
Grogan, E.

Clause to stand part of the Bill.

Remaining Clauses agreed to.

House resumed. Bill reported. To be printed and further considered.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, July 14, 1848.

MINUTES.] PUBLIC BILLS.—1^{a} Trustees Relief (Ireland).

Reported.—Canada Union Act Amendment; County Cess (Ireland).

PETITIONS PRESENTED. From Journeymen Bakers, in various Parts of London, for the Introduction of a Measure for the Suppression of Working by Night in Bakehouses.—From Littleborough, and other Places, for the Adoption of a System of Secular Education in the County of Lancaster.—From the Congregations of several Free Scotch Churches, for Facilitating the Attainment of Sites for Churches in Scotland.—From Gringley, against the Sale of Intoxicating Liquors on the Sabbath.

HOUSE OF COMMONS,

Friday, July 14, 1848.

MINUTES.] NEW MEMBER SWORN.—For Great Yarmouth, Charles Edward Rumbold, Esq.

PUBLIC BILLS.—1^{o} Payment of Debts out of Real Estate; Cruelty to Animals Prevention.

2° Public Works (Ireland), (No. 2); Ecclesiastical Jurisdiction; Spirits (Dealers in); British Spirits Warehousing.

Reported.—Administration of Criminal Justice; West India Islands Relief; Naval Medical Supplemental Fund Society; Corn Markets (Ireland); Places of Worship Sites (Scotland); Highways.

Petitions Presented. By Captain Berkeley, from Gloucester, for an Alteration of the Law respecting the Clergy of the Church of England.—By Mr. Brotherton, from Farnworth, and Kersley, Lancashire, for a Better Observance of the Lord's Day.—By Sir Edward Buxton, from Bethnal Green, and several other Places, for an Alteration of the Law respecting Sunday Trading.—From several Clergymen of the Deanery of Hoxne, in the Diocese of Norwich, respecting the Tithes Commutation Act.—By Mr. Cardwell, from Merchants, and Others, of Liverpool, for Exemption of Sugars in Transit from the Proposed Alteration in the Duties.—By Sir De Lacy Evans, from Inhabitants of the City of Westminster, and several other Places, for Inquiry into the Bakers' Grievances.—By Mr. Hume, from the Royal Burgh of Dysart, for the Restoration of Magistrates to that Borough.—By Mr. Bouverie, from Kilmarnock, against the Lunatic Asylums (Scotland) Bill.—By Captain Pechell, from several Surgeons, and Others, in favour of Reform in the Medical Profession.—By Mr. Hawes, from the Citizens of Montreal, Canada, against a Repeal of the Navigation Laws.—By Mr. Law Hodges, from the Board of Guardians of the Dudley Union, respecting Free Emigration.—By Mr. Ogle, from several Officers employed in the Hexham Union, Northumberland, in favour of a Superannuation Fund for Poor Law Officers.—By Mr. Gooch, from the Town of Bungay, Suffolk, for an Alteration of the Law respecting Promiscuous Intercourse.—By Mr. Bouverie, from Members of the Free Presbytery of Paisley, against the Proposed Alteration of the Registering Births, &c. (Scotland) Act.—By Mr. Forbes, from Members of the Milngavie Mechanics' Institution, against the Scientific Societies Bill.—By Mr. Frewen, from the Parishes of Hollington and Crowhurst, Sussex, to take the State of the Turnpike Trusts into Consideration.

EVICTED DESTITUTE POOR (IRELAND) BILL.

Sir GEORGE GREY, having moved the Order of the Day for the taking into consideration of the Lords' Amendments to the Evicted Destitute Poor (Ireland) Bill, said, that he would briefly state the nature of the alterations made in the Bill by the other House, and what course he proposed the House of Commons should adopt with regard to them. The first alteration he would call attention to was one made in the second clause. The House of Commons provided in the original Bill that—

> "The landowner or other person by whom, or on whose behalf, such writ, decree, order, or other process as aforesaid, shall have been sued out, or his agent, shall give notice in writing of his intention to execute the same, seven days at the least before the same shall be executed, to the guardians of the poor of the union."

It was to that part that the most material amendment had been made by their Lordships: for they substituted the "relieving officer" for the "guardians of the poor," as the person on whom the notice was to be served; and in the first line of the clause they introduced the words "within twelve hours after" the decree "shall have been executed," thereby substituting a notice within twelve hours after the eviction for the notice of seven days before it. Now, with respect to the substitution of the relieving officer as the person to be notified instead of the board of guardians, he (Sir George Grey) did not think that a material alteration, and he therefore did not propose to ask the House to dissent from that amendment. But, with respect to the notice being given after the fact of eviction had been accomplished, instead of before, the effect of that alteration would be to defeat the very object with which the Bill had been passed by the House of Commons: for their great object was to insure that notice of the intended evictions should be given. He should therefore propose that the House should disagree in substance with that amendment. But as he did not mean to ask them to disagree with the very words of the notice, he would propose that they should allow the relieving officer to be retained as the person on whom the notice should be served; and whilst declining to accede to the notice being given after the eviction, he would beg leave to substitute forty-eight hours before it, instead of the original term of seven days. The right hon. Baronet explained the other points on which he objected to the Lords' Amendments.

After a few observations from Mr. Sharman Crawford and Mr. Poulett Scrope, objecting to the Lords' Amendments, they were agreed to and dissented from as suggested by Sir George Grey.

PUBLIC WORKS (IRELAND) (No. 2) BILL.

On the Motion for the Second Reading,

Mr. STAFFORD moved, as an Amendment, that it be read a second time that day six months. The hon. Gentleman said that when the people of England heard statements of the large amounts of money granted for public works in Ireland, they naturally desired their representatives to consider the objects for which any further grants were asked. The accounts he had received from that part of Ireland with which he was connected, mentioned that the fatal disease had again appeared in the potato crop. A most respectable gentleman at Nenagh informed him that a farmer in that neighbourhood had been compelled to dig up four acres of potatoes in consequence of their having failed. The

House, therefore, ought not to conceal from themselves that there might again be difficulties in reserve for Ireland. Taking into consideration these hypothetical exigencies, the House ought, before consenting to advance more money, to take care to ascertain whether the principle of the former advance had not been fallacious, and how it was that with so large an amount expended, so little practical good had been done. So far as he could make out, no satisfactory account had been furnished to the House of the way in which the eight millions already granted had been expended; and he objected to the present measure, because it applied the money upon the same erroneous principle. The object of the Bill was to advance money for public works, of which some, it was stated, had not been completed; and it was proposed that during the term of three years, the sum of 945,000*l.* should be transferred from the Consolidated Fund to the credit of the Commissioners for the Reduction of the National Debt, on account of the Public Works Loan Fund for Ireland, the sums to be issued not to exceed the amount of repayments of former loans from districts where the works had been completed. The practical effect of this provision would be, that the districts from which the means of meeting their just debts were forthcoming, would be obliged to apply the money, not to the payment of the Imperial Exchequer, but to the completion of other public works in Ireland. Thus those neighbourhoods where the possessors of property had not done their duty by paying up, were in reality taught to expect benefit from the exertions of those who had relieved themselves from liability. It was accustoming the Irish people to the fatal practice of trusting to England for more help instead of helping themselves; which he believed to be the greatest error that could have been devised. Do not, as it were, under false pretences, let a measure be passed, the long and short of which was to give one million more money in round numbers to Ireland upon the very plan which experience had shown had increased the necessities, discouraged the exertions, and augmented the poverty, misery, and helplessness of the people. The best friend of Ireland would rather witness a temporary pressure of local distress, than time after time see that House, in its favourable feelings towards the country, again teach the people the fatal lesson of reliance upon England. The right hon. Gentleman the Chancellor of the Exchequer had better have come forward with the fair and intelligible proposition that the whole money must be repaid, rather than show the prosperous localities of Ireland that they must pay their debts to the utmost, and then transfer the money to those who had been given to understand that, by postponing payment, they had a great chance of avoiding it altogether. In other words, these latter districts were encouraged to obtain money under what he believed to be false pretences. He could not consent to this; and, as an English Member, as well as an Irish proprietor, he felt it an imperative duty to move the Amendment.

The CHANCELLOR OF THE EXCHEQUER was not sorry to hear a disclaimer from the hon. Gentleman on the part of Irish proprietors of a wish to incur a larger debt to this country; but, at the same time, he did not think the hon. Gentleman had quite faithfully represented the object of the present measure. The Bill had three objects. The first was to enable the Treasury to readvance, for the purpose of completing those works which at the end of last year were left incomplete, such sums of money as might be repaid by different localities; the second, to postpone for half a year the payment of the first instalment; and the third, to enable the Government, looking at the different circumstances of different parts of Ireland, either to diminish or increase the number of instalments for the repayment of the advances which had been made. With regard to the first of these objects—the power of readvancing the money received—it would be in the recollection of the House that the purpose of making those advances was to relieve the destitute poor by finding them employment in the execution of public works; whenever this purpose was attained, the works were to be stopped, and the districts immediately interested were to complete the works in such a manner as they might think proper. In the early part of 1847 a large number of persons were employed upon various works. At one time they exceeded 700,000 in number. The wasteful expenditure was notorious; but for a time it was perfectly impossible for the exertions of the officers to keep it within a reasonable limit. The abuse at length reached so great an extent, that it was determined to change the system of relief, and the Relief Commission was appointed, over which Sir John Burgoyne presided. To reduce the numbers then employed was a work of no slight difficulty; and he believed that had it not been for the discretion and firmness of Colonel Jones, it would have been impossible. The country, however, was greatly indebted to that officer, whose services had not been adequately acknowledged, for he reduced that enormous army of labourers not only without the slightest danger to the public tranquillity, but without the slightest suffering to any individual. The estimated amount of the cost of the public works was, in round numbers, eight millions. The sum actually expended was a little under five millions. It was true that many persons complained of some of the works being left in a worse state than they were when began; but it must be recollected that in many instances the works were not undertaken because they were most advantageous, but because they were near the population which, being destitute, needed employment upon the spot, without walking six or seven miles to it. The Commissioners of Public Works, in their report, which would be presented in a few days, said—

> "It had been their intention, at the opening of the season, to examine every work, and undertake only those which were of a useful character. Work had been required by the magistrates to be found for the destitute poor at their own door; doubtless, therefore, many roads were broken up which, in their present state, were worse than before. In all these cases it was desirable the works should be completed, as they remained unsightly monuments of neglect."

The directions given at the end of the year were to complete as far as possible the works which were indispensable, and to put the remainder in a safe state, leaving the grand jury, the county, or the gentry, to complete them as they might think desirable. In the course of the autumn Her Majesty's Government called upon the Board of Works for an estimate of the probable expense of completing the works. The estimate for the completion of the whole was about two millions, and for those which were deemed essential it was 650,000*l.* He would now read a further extract from the same report, showing the grounds upon which the works were begun:—

> "No work was begun except from immediate necessity, pressed not only through the ordinary channels, but by deputations. Work of any sort was applied for, as the only means of saving the people from the horrors of starvation."

He did not mean to say mistakes had not been made in the distribution of relief, or that if the thing had to be done over again, it might not, by an organised staff, be done much better; but under the circumstances the work was most efficiently executed. The necessity of completing many of these works would not be denied. The Government had received representations from all parts of Ireland, and from Irish Members also, urging them to complete them. They were called upon as an act of public justice to expend the public money for that purpose; but he told the Irish Members who waited upon him, that, after what had been expended in Ireland in the preceding year, and from the pressure upon the revenue, in consequence of a large deficiency, he did not think a large advance of public money could be made for that purpose. But, he further stated, he was not unwilling to readvance that which might be repaid during a certain time for the completion of the works. The yearly instalments of the money advanced for public works, amounted, in round numbers, to 315,000*l.*, consequently 945,000*l.* was the aggregate of the three years' instalments; and he proposed to advance again whatever sums might be repaid within three years, if it was applied for. There was also another purpose to which a portion of this money might be advantageously applied. Hon. Gentlemen were aware there were many districts where an extension of drainage was conceived to be far more important than the mere completion of works, and that proprietors were greatly interested in arterial drainage. A Bill was introduced some years ago to facilitate these purposes, contemplating, however. that the funds should be provided from private sources. It was never contemplated that the funds should be found by the public. But in the course of last year it was found advisable to vote 270,000*l.* for the purpose of giving employment to the destitute poor by means of arterial draining. That sum was now exhausted, and the Commissioners of Public Works were again reduced to obtaining such loans as they could from private individuals to carry on the works commenced. The Government did not think it prudent to propose the issue of more money from the public funds; they, therefore, directed the Commissioners of Public Works to complete all such as could be completed with the money which they had in their hands, and to leave the others in such a state as they could be left in safety, until other means were provided for carrying them on. He was sorry to say the Commissioners had found great difficulty in obtaining funds of any amount from private sources; he therefore thought it advisable, in order to afford employment for the people, and to increase the productiveness of the land, to apply for the purposes of this drainage such money as might be repaid to the Exchequer, and was not required for completing the roads, &c. [Sir J. GRAHAM: What extent of drainage has been effected with the 270,000*l.* already granted?] He was not prepared to state to what amount the works had actually been completed. About sixty works were to be completed in the course of this summer; but he was not in a condition to state whether at the present time any had actually been completed or not. The second portion of the Bill was to authorise the postponement of the first instalment. The original provision was, that a presentment should be made at the last spring assizes, and an instalment should be levied and paid at the subsequent assize. When the spring assizes were held, one of the Judges (Mr. Justice Perrin) entertained a doubt as to the legality of the presentment; and the grand jury of the county of Armagh refused to put the sum certified by the Commissioners of the Public Works into the levy, under the opinion of Mr. Justice Perrin. Several of the other Judges, hearing of these doubts as to the legality of the presentment, wrote to the grand jury desiring them to suspend the presentment. The Attorney General of Ireland thought that Mr. Justice Perrin had made a mistake, and overlooked the 37th cap. of the Act of last Session; and the question was taken before the Court of Queen's Bench to decide the legality of the presentment; but it was not until the 6th of June that a decision was given in favour of the legality of the presentment. The levy having been suspended, it was found impossible to have the books prepared in time for a levy previous to the ensuing assizes; consequently it was impracticable, at least in many counties, to obtain the money. In addition to this, if anything was necessary beyond the utter impossibility of effecting a levy, the Government were bound to take into consideration the extreme pressure that existed during the summer months, when it was most difficult to obtain any payments. It was therefore thought better, it was indeed absolutely necessary, to postpone the payment of the instalment until after the summer assizes. The last part of the Bill referred to the different circumstances in which different parts of Ireland were placed, with reference to the ability to make these payments; and certainly no general rule could be applied to all parts of Ireland; the same rule, indeed, could not be applied to different parts of the same county; one part of a union or barony was in different circumstances from another part. The Poor Law Commissioners stated that whilst some parts of one and the same union could not be kept clear of debt, others were in the most favourable circumstances; that, whilst some parts were well provided with funds, others were in a state of hopeless bankruptcy. If Gentlemen would look into the report, they would see the difference of rating in different parts; in some 10*s.* and 12*s.* in the pound; in others not above 2*s.*, or 3*s.*, or 5*s.* This would show the effect of diminishing the area of taxation; if the area of taxation were still further diminished, the highly-rated parts would not only be in a state of "hopeless bankruptcy," but be absolutely ruined. In the union of Ennis he found, from the report of the Poor Law Commissioners, that—

> "In one electoral division a rate of 7*s.* 1¼*d.* would be required, whereas if the whole union were taken, a rate of 2*s.* 1*d.* would in all probability cover the amount required."

He admitted the heavy burdens which had fallen upon this country on account of Ireland; and he maintained not only the liability of Ireland to repay what this country had so advanced, but that it was the duty of Ireland to repay it; and he thought it was reasonable and right that the repayment should ultimately be made. But the difficulty was, to know how to enforce the whole of the repayment without depriving the people of Ireland of such means as would carry them through the state of extreme pressure in which that country now was. He hoped that Gentlemen would remember that the burden of the poor-law was to a great extent a new burden in Ireland. The first report of the Poor Law Commissioners showed that the burden was not only heavy, but increasing; that the amount of the rate up to the last year was 2,500,000*l.*, and that last year's rate alone amounted to 1,500,000*l.* Gentlemen from Ireland would be better able than he was to speak to the state of the different parts of Ireland with which they were acquainted. But he had reports from poor-law inspectors, giving accounts of the state of destitution, and the consequent difficulty of repayment, which were almost incredible. In Erris, where the whole of the population was 22,000, last year there were 18,500 who received relief. He had a letter from an officer under the Board of Works (Mr. Mooney), dated Ballina, July 6th, which said—

> "They talk of striking a rate of 16*s.* in the pound in Castlebar. Every article in the workhouse has been sold by auction. Such is the change, that the barony collector, to justify a short return of cess, swore that there were seventy-eight townlands in Erris on which there was not an inhabitant or four-footed beast."

Mr. Mooney, in the same letter, which was addressed to Captain Laveson, gave such a description of the distress of that part that he would read it to the House :—

> "That all these crops should continue to prosper, and yield the full amount they promise is of vital importance, for the whole country is pauperised; and if it should not please Providence to rescue them, destruction stares everybody in the face : very many of the gentry are in the debtors' prison—very many who are not, are imprisoned in their own dwellings, afraid to stir out. Many who were well off, and kept their horses and their vehicles, cannot now keep a cow, and I have been assured by many it is painful to witness their privations, and, in many cases, suffering. In Castlebar union there are 23,000 receiving outdoor relief; and applications have been made equal to the whole amount of the population of the union. In Ballina union there are 40,000, and in the whole county there are about 125,000 receiving rations, independent of schools, where about 30,000 children are fed by the British Association. Tirawley barony, once the nucleus of wealth, is now almost destitute of even comfortable people. A panic seized them—they fled ; the paupers remain—the land grows almost nothing in comparison, and rates, &c., must be paid."

He goes on to say, in a letter dated Cavan, July 10, 1848—

> "Mr. Jones, the proprietor of the coaches running between Ballina and Sligo, assured me he would gladly give to anybody a farm of about 200 acres he holds near Ballina, for two years, for the payment of the poor-rates alone."

He further says—

> "Perhaps one of the strongest proofs we have of the poverty of the country is the incredible falling-off in the 'priests' dues.' A respectable Roman Catholic assured me, so reduced are the people, that it is not one out of ten who formerly could and would pay for 'anointing' their relatives when dying, can do so now, essential as they consider it to their future state ; and even coffins must be dispensed with in many of these cases."

This was one of the worst parts of Ireland; but it showed the impossibility of laying down any general rule which would be applicable to all parts of Ireland. The report of Mr. Auchmuty, the inspecting officer of the Castlerea union, dated the 5th of July, 1848, stated :—

> "The portion of this union situated in Roscommon is mostly in grazing, and the landlords nearly all absentees ; the remaining portions in Galway and Mayo are occupied by persons holding from one to seven acres ; their families do what work is required. I am of opinion that there will be as many applicants for relief for the next year as there are at present ; they have no means of existence; they have neither clothing, fuel, nor shoes, and have nothing to look forward to except outdoor relief."

These accounts showed the state of destitution in various parts of Ireland, and the impossibility in some parts of paying rates adequate for the support of the poor, much less the sums justly due to the Government for advances, to the full extent, and that it was absolutely necessary to allow the Government in such cases to mitigate the pressure. But it was very desirable, if possible, without any undue pressure on the finances of the country, to find the means of keeping the people in employment by prolonging the period for repayment in the distressed districts. It was impossible to expect that the landlords and farmers of Ireland could be able at once to provide full employment and to repay advances, and yet it was of the utmost importance to afford employment in works or drainage. Believing the object to be of great importance, he thought it better to advance for these objects the money to be repaid in Ireland, and which otherwise would be available to the Imperial Exchequer. He was aware that there could not be a more dangerous state of things than for this country to become a creditor of the whole population of Ireland; he thought that this would be the most dangerous state of things for the people of Ireland as well as for ourselves, and he was therefore anxious to keep these advances within the narrowest compass. Yet he thought it highly desirable that employment should be provided. He was happy to say that as far as any opinion could now be formed, there was no prospect of the potato crop being lost. There had been some apprehension entertained of a failure some time ago; but the recent accounts were much more satisfactory. There was a prospect of a fair crop of corn and a reasonable crop of potatoes; and with the aid of the British Association and the Government stores, there was a sufficient supply of food for the people of Ireland till these crops came into consumption.

Mr. GOULBURN said, that when his

attention was first drawn to this Bill, he considered it one of a most extravagant nature, and he must say that the speech he had heard from the right hon. Gentleman had in no degree altered his opinion. Throughout the whole of his speech, long and laboured as it was, the right hon. Gentleman had not ventured to advert to any of the financial considerations which he should have thought would have pressed most heavily upon the mind of a Chancellor of the Exchequer, as fatal objections to the measure he was introducing to the House. The Bill had three specific objects: the first, to complete works which had been undertaken at a time of distress, and left unfinished; the second, to postpone the period at which the repayment of the money due from Ireland to this country was to commence; the third was, to give the Treasury an indefinite power of diminishing the amount and extending the period of the annuity which Ireland had engaged to pay, in liquidation of that portion of the advances made to that country which was not to be considered in the nature of a grant. This indefinite extension of the period of payment was, in fact, to convert into a grant what had been received as a loan, in the repayment of which it might have been expected that there would have been, on the part of Ireland, nothing but a cheerful acquiescence. The right hon. Gentleman had made his proposition on the ground of present destitution; and if the right hon. Gentleman had told the House that on that ground he wished to postpone the first payment for one or two presenting sessions, there might, perhaps, be no objection to such a measure. But what he objected to was this, that the proposition now before the House professed to be one for carrying into effect extensive public works, in which was to be included a great system of arterial draining. Now, if the state of Ireland were such that it had become impossible to levy another shilling without making an almost insupportable addition to the rates required by the poor-law, then the proposition to make an advance for public works upon the security of rates to be raised on a people so circumstanced, became perfectly nugatory; thus, as he understood the right hon. Gentleman, he would not levy the proposed sum, and pay it into the Exchequer, to be from thence issued for these works, but he would give it in an indirect manner. If the right hon. Gentleman meant to give a sum of 315,000*l*., let the House be made aware of that at once. As it appeared to him, nothing could be more clear than this, that unless the money were rigidly levied, there could not be a shilling applicable to the completion of the public works that had been already commenced. In the course of the various discussions respecting the state of Ireland, they had been told that the works undertaken for the purpose of giving employment to the destitute portion of the Irish population would be worse than useless unless they could be brought to completion. But they were now told that whenever sufficient funds were raised, they would be applied to complete the existing plans of arterial drainage. But what were they then to say to the roads, which, when over hills, were like stairs, and when through valleys were impassable? What was to be done to render the country in which roads were so left, tolerable as a residence, and profitable as property? The right hon. Gentleman told the House, that if they granted sufficient money to complete the drainage, he should leave the other works as they were. But then, every one must feel that, if they allowed the Chancellor of the Exchequer so to proceed, they would speedily have the Government coming to the House again, and calling for more money to complete the roads. Let the House remember what the right hon. Gentleman told them, namely, that 370,000*l*. had been spent in making arterial drains, and that sixty only of those works had approached to completion; but unless such works attained perfect and entire completion, it would by most men be admitted that they were not likely to prove of any utility. His hon. Friend near him adverted to the important principle that the Bill rested on. The true question for the House to consider now was, not whether they were to render assistance to Ireland — upon that point they were all agreed — but they were to look to the mode in which relief was to be administered, and take care that they did not encumber that country with assistance. It appeared to him that they not only run the risk of doing so by advances of the kind now under consideration, but they also incurred the hazard of defeating their own purposes, and destroying the impression which the loans granted to Ireland were intended and were calculated to create. During the year of famine, Ireland was in a state of distress that had perhaps never been equalled. England was called upon to afford her relief, and England answered that call in a manner full, complete, and effectual. It was, in the first instance, proposed to make a grant to the Irish of somewhat upwards of 5,000,000*l.*, to enable her to get out of her difficulties; and it was intended that Ireland should repay the whole of the money to be advanced. In a short time, however, it appeared that payment of this sum to the full extent would press too heavily upon a country so distressed as Ireland then was; and by the last Act passed upon this subject it was determined that one half of the sum given to Ireland should be treated as a grant, and the other half as a loan, to be repaid by means of an annuity which was to last for a limited number of years. England had, therefore, a right, after this large concession, to calculate on receiving those sums for the payment of which she had thus stipulated. It was quite true that the money which had been advanced by England was used for the purpose of employing the destitute poor of Ireland in works which had turned out to be useless; and that happened because those persons in Ireland who were to present for the works had not given themselves the trouble to distinguish between those works which were useful and those which were useless. They left the Government to decide everything; and the Government, thus compelled to decide, did so under the distinct understanding that the cost of completing all works actually commenced must fall on the districts in which the works were situated. Now, from that arrangement they were now called on to depart. If he admitted that Ireland had a right to claim the completion of all works which had been commenced, they were next to ask themselves, was England able to accomplish those objects? and next, was the present proposition consistent with financial principles? He wished it to be understood that he was not in any respect unwilling that ample aid should be given to the people of Ireland, so far as was consistent with the pecuniary burdens which pressed upon this country. This country was not indisposed to bear the burden; but England would not be able to undertake any such or any other burden unless she acted on sound financial principles. He did not say this with reference solely to English interests; on the contrary, everything injurious to the financial condition of England operated with equal intensity upon the condition of Ireland. It affected those things which Ireland most needed—credit and capital; and if he did resist the present proposition, he hoped it would be felt that he did so on account of its improper and unfair operation. In all questions of finance, there were two things to which a Chancellor of the Exchequer was bound to look: the first was the equalisation of revenue and expenditure, without which all his efforts would be useless; and the other the receipt and expenditure of the Consolidated Fund. The House of Commons usually put that fund out of view, and seemed to consider that they were merely called upon to deal with the annual income of the country and the annual estimates. If the House agreed to vote 315,000*l.* and place it on the Consolidated Fund, the question would be considered as disposed of; they would give themselves no more trouble on the subject, and the whole affair would drop out of the notice of Parliament, and no check would be imposed on the particular application of the money. The grants already made to Ireland amounted in the whole to 8,300,000*l.* Ireland owed that to the Consolidated Fund. Of that sum 3,400,000*l.* was due for grants made previous to 1847, and 4,800,000*l.* for debts incurred in the course of that year. Of the last of these sums, Ireland had paid 3,500*l.*, being about 9*d.* in the 100*l.*; 1 per cent, however, had been paid of the sum due before the year 1847; England was to receive a sum of 2,600,000*l.* in the shape of annuity. This being the state of Ireland's debt to this country, we were now required to withdraw 1,000,000*l.* from the receipts of the Consolidated Fund. And what was the state of that fund? They had been told that at the close of the present financial year there would be a deficiency of a certain amount. It was true they had heard a statement as to a new state of things; but whatever stress might be laid upon that, it must be felt that the sum of a million could not be paid otherwise than out of the balances of the Exchequer. They need not at present say how much might be the amount of the balance in the Exchequer; some time ago it was understood to be 8,500,000*l.* In April last, it was 6,500,000*l.*; and there was good reason to apprehend that it would go on decreasing, even without the abstraction of this million. But, admitting that the money could be obtained, the Chancellor of the Exchequer had not told them what he was to do with it. They knew pretty clearly the quarters that would be made to pay: the poorest districts in Ireland—Erris, Clare, Galway—owed the largest sums, and would be the sufferers from the enforcement of payment. Surely the expenses of general drainage in other counties ought not to fall on places so impoverished. Large districts of bog which remained to be drained were in places very distant from those localities. If they were to give money for purposes of that description, they ought to have each case clearly before them, and estimates of the expense of each brought forward in Committee of Supply. When they gave money for public works, it was essential and necessary that they should know what those works were; and if they voted sums liberally, they were bound to take care that their liberality was not thrown away. Upon these grounds, he held that they ought not to give up money that was due to the Consolidated Fund. Vote money in Supply for specific works to any extent for which a case could be made out; but do not blindly abandon revenue, and at the same time encourage improvident expenditure. These were the reasons which induced him to offer an opposition to the present Bill; and he agreed with those who thought that the real secret of the measure was this, that in the present state of Ireland the Government thought it best to say that they would give a million for the completion of public works; while by declaring that it should be raised in Ireland, they knew that the money would never be raised at all. He objected to the measure as it stood, and should certainly take the sense of the House on it.

Colonel DUNNE was understood to say that there could be no doubt of the necessity for advances to Ireland—the real question was as to the mode of application of the money. He agreed in many respects with the observations of the hon. Member for Northampton as to the system of wasteful expenditure that had been carried on under the department of Public Works in Ireland. His experience—and he had been a Member of eleven Committees—induced him to view with great suspicion any works which bore the name of "public works." There were districts, however, in Ireland, which were utterly unable to meet the demands made upon them under the new poor-law. The bankruptcy of those parts alluded to by the hon. Baronet was an inevitable consequence of the poor-law; and he was of opinion that an inquiry on this subject was of the greatest necessity, and ought not to be deferred beyond the present Session. He should support the Amendment.

Mr. NEWDEGATE expressed his surprise at the self-congratulations of the Chancellor of the Exchequer; but when the right hon. Gentleman said that these advances and these works were solely for the relief of the poor, the Government having no other object but the relief of distress, and was determined, in accordance with the rigid views of the political economy he professed, that this expenditure should accomplish no ulterior purpose — he must say it appeared to him that that object had been most fully carried out, for that the greater part of the money expended in Ireland was as completely lost to the resources of the empire, and to the improvement of Ireland, as if it had been buried in the sea. This debate brought to his mind a subject of his continual regret, which was the rejection of the proposal of his noble Friend (Lord G. Bentinck), that advances should be made in aid of the construction of railways, to have given food and employment to the distressed, whilst it promoted that first means of improvement, the facility of transit and communication throughout Ireland. The noble Lord and his supporters were told that the money, if it were so advanced, would be inevitably lost—an assertion he never believed; but hon. Members opposite now found that the money was really gone, though that scheme was not adopted. [Mr. M. J. O'Connell: The money was spent before Lord George's proposition was made.] The hon. Member's recollection was not accurate, because the proposition of the noble Lord the Member for King's Lynn, was that the money to be advanced upon the security of the rates, and not then granted, should be diverted to railways, and secured upon them. And he would ask the House whether it would not have been better to have had the repayment of advances secured upon the property of the railway companies, whose interests were involved in the success of their undertakings, than upon the baronies of Ireland, which were now alleged to be bankrupt? Would there not have been a better chance of repayment? He recollected that they were also told, "Look at the length of time that must elapse before advances to railways can be repaid!" but was the repayment not now postponed to a day so remote that the vision of it absolutely vanished in the distance? Would it not have been better to have secured some means of intercommunication through Ireland, than to have interrupted that little which did exist, until there was in some localities none safe at all? He had always thought it a pity that the scheme of the noble Lord the Member for King's Lynn was so perfect and complete in its form and details; for, being proposed by a Member of the Opposition, it was, perhaps, scarcely consistent with the dignity of the Government to accept it, while they might have taken up and completed a less perfect measure. Still he had always been sorry that Her Majesty's Government did not adopt at least a part of the project, and that they did not accept at the hands of the noble Lord the Member for King's Lynn, when freely offered to them, a measure so eminently calculated to benefit the country. The hon. and gallant Member opposite (Colonel Dunne) had spoken of the difficulty of collecting the rates in Ireland; but was that to be wondered at? Did not all the rates fall upon one species of property; and was not that property taxed to the utmost for the relief of the poor? whilst the rental was withheld, owing to the fears, the ill-will, or the poverty of the tenantry. He was not finding fault with the poor-law; on the contrary, he had ever strenuously supported it, as the only means of maintaining the social fabric of Ireland, and because he thought the property of Ireland ought to support the poor of Ireland; but if only one mode of taxation was adopted, and that was levied against only one class of income, it must inevitably be exhausted. He regretted more and more, every day, that the Government refused to adopt for a limited period the income-tax for Ireland—because through its means they would have received repayment of the advances made by England, and they would have touched sources of profit which were totally exempted from taxation in Ireland. And what was the House now doing? Was it not passing a Bill, giving to the mortgagee a more immediate command over the property of Ireland? If any justification were wanting for the imposition of an income-tax upon Ireland for the purpose of relieving the rateable property, it was supplied by the introduction of the measure for the sale of encumbered estates. He had ventured to urge the Government to apply an income-tax to Ireland; but he had been met by the argument that the property of Ireland was deeply mortgaged; but surely the mortgagees were bound to bear their share of the burdens of the united empire, and now that the House was giving them a more direct power over the property of Ireland, it was doubly unjust to continue their exemption. It might be said that the greater part of the income derived from mortgages on property in Ireland did pay the tax in England; but why exempt any from bearing their share of this national burden? But it seemed that this money was not only applied to the relief of distress, but that it had been wasted and squandered actually to the detriment of Ireland. He supported the Amendment, and concluded by expressing his belief that the financial transactions in regard to Ireland would not form a bright page in the official history of Her Majesty's present Government.

LORD J. RUSSELL: The right hon. Member for the University of Cambridge (Mr. Goulburn) has opposed this measure on the ground that it is not a good measure of finance; and he argues that it would be far better to have 1,000,000*l.* in the Exchequer than to lend it out to the people of Ireland. Now, if this were a question whether we should leave 1,000,000*l.* in the Exchequer, or lend it out as a matter of speculation in the way proposed by this Bill, I should quite agree in opinion with the right hon. Gentleman. If we were to consider the matter solely as a question of finance, I should concur with him; but when we look at the present state of Ireland, and at the condition of that country during the last two years, I think we ought not to be influenced solely by financial considerations. The right hon. Gentleman has adverted to the public works undertaken in Ireland—a system which began during the Administration of which he was a Member, when large sums were granted, and further sums were advanced for the purpose of carrying on public works during a period of great distress. That system was continued and extended in 1847 very much beyond what had been contemplated, at a time when the food of more than 3,000,000 of people had utterly failed. Sir, with the experience we have had, I am quite ready to acknowledge that I think it is a far better plan, when you have to relieve distress, and to feed people who are starving, to afford them food by the cheapest mode in which you can do it, rather than to look to the mixed purpose of affording them food, and at the same time of executing works of public utility. I think the experience we have had in this and other cases shows, that although there is an apparent advantage in having works of public utility undertaken and executed by paupers, yet that it is a cheaper system to feed persons who are in a state of starvation, requiring nothing in return; and, if you have public works to undertake, to give the best labourers the highest wages you can afford for the species of work they are required to perform. But, although that is the result of experience, I think the general opinion at the early period of 1846 was, that the execution of public works might be combined with the object of affording food to the people of Ireland. The hon. Member for Portarlington said, that it was entirely the fault of the Board of Public Works and of the Government that the works were ill chosen; but I think the hon. Member for Londonderry has completely answered that statement; because, in point of fact, no work was undertaken because the Government or the Board of Works chose to undertake it, but because it was recommended by a barony presentment. All that the Board of Works and the Treasury had to do was to choose among the works so presented. Those persons, therefore, who possessed local information, and who were able to judge of the nature of the works, were the individuals who were primarily referred to; and my belief is, that where the country gentlemen, or those who sat to make these presentments, kept their heads cool upon this subject, and considered what works would be useful, in those instances the works which were executed were really of service, and not of the useless or mischievous nature which has been ascribed to them by some hon. Members. But the consequence of undertaking works of so extensive a nature, upon which more than 700,000 people were employed, and of ceasing to continue them when it was no longer necessary to provide food for the people, was necessarily to occasion great inconvenience; and then the question arose whether, when we obtained the repayment of some portion of the sums which had been advanced, it would not be advisable to reissue part of the amount for the purpose of completing the works that had been commenced. It is obvious, with respect to many of the roads which have been commenced, that they may be completed so far as to be of some utility. The right hon. Member for Cambridge University has suggested that the better course would be obtain the repayment of all the advances, and to propose a grant in Committee of Supply for the purpose of completing the works which have been commenced. I should agree with the right hon. Gentleman on this point, if it were so simple an operation to obtain repayment of the advances; but I am afraid the result of adopting such a plan would be that, while a considerable sum would be advanced or paid out of the Exchequer, the sum received by the Exchequer might not be so large as the right hon. Gentleman seems to suppose. My right hon. Friend near me has stated, so various are the circumstances of different districts in Ireland, that while, in some cases, you might obtain the repayment of the advances by a rate of 1*s.* or 1*s.* 6*d.* in the pound, in other cases it would be almost impossible to obtain repayment at all. We propose, therefore, that a certain discretion shall be left with the Treasury, and that where the advances are readily repaid they shall be reissued for the completion or continuance of public works; and that where it is absolutely necessary, from the extreme distress of the country, that the period of the repayment should be postponed, such postponement may be granted. In the course of this debate the question has been revived, whether there ought to have been an inquiry into the working of the poor-law in Ireland. Now, it appears to me that to pass a law of the nature of a poor-law in one Session of Parliament, and immediately after the commencement of the next Session to institute an inquiry into its operation, would be almost saying that the law should not be put in force. I consider that such an inquiry ought not to be made until the law has been in operation for a sufficient time to afford a fair opportunity of testing its efficiency. There is now a Commission inquiring into the size of the districts—a question upon which great difference of opinion exists, not only in this House but in Ireland. I can only say, from what I have heard, that while it is very difficult, from the distress of the ratepayers in some parts of

Ireland to obtain the rate, I have received from other parts of the country very satisfactory accounts of the working of the poor-law. Certainly, it appears to me that, except by means of a poor-law, no permanent system can be provided for supporting the destitute poor of Ireland. I am glad to find that the hon. Member for Kerry agrees in that opinion. I perfectly agree with him that the time will come when it will be right to consider the working of the poor-law; and if any amendment can be made in it we shall not be disposed to resist the endeavours of Irish Members to render that law as unobjectionable as possible.

Bill read a second time.

House adjourned at half-past Nine o'clock.

HOUSE OF COMMONS,

Saturday, July 15, 1848.

MINUTES.] PUBLIC BILLS.—1° Consolidated Fund (3,000,000*l.*)

PETITIONS PRESENTED. By Mr. Frewen, from the Town of Faversham, Kent, for a Repeal of the Duty on Malt.—By Lord George Bentinck, from several Actors and Actresses employed at the Theatre Royal, Adelphi, for Restricting the Number of Foreign Theatres in the Metropolis.—By Sir George Grey, from the Committee of Management of the Warwick County Asylum, in favour of Measures for the Reformation of Juvenile Offenders.—By Mr. Frewen, from Guardians of the Eastbourne Poor Law Union, for an Alteration of the Poor Law.

THE SUGAR DUTIES.

Report of the Committee of Ways and Means brought up.

LORD G. BENTINCK wished to ask a question of the right hon. Gentleman the Chancellor of the Exchequer. By the Act 9 and 10 Victoria, c. 63, there were four different schedules under which duties were levied. There was a schedule of duties to be levied on sugar and molasses the growth and produce of any foreign country. But there was also a schedule of duties to be raised on all foreign sugar, or molasses, not otherwise charged with duties. That was the schedule of duties provided, as it was understood, for sugar, whether refined or otherwise, imported from a country of which it was not the growth or produce. By this fourth schedule, no refined sugar could be imported from Hamburgh, Antwerp, or any part of the Continent, except on payment of three guineas per cwt. No brown clayed or muscovado sugar, not being refined, could be imported except on payment of a duty of two guineas; and no molasses could be imported except on payment of 15*s.* 8*d.*; that schedule of duties being guarded by the 6th clause of the Act, which 6th clause was in the spirit of the navigation laws, and enacted that no sugar should be admissible for entry for home consumption at the same lower rates of duty, as being the produce of any foreign country, unless the master of the ship importing the same, or the consignee, should prove, to the satisfaction of the officers of Her Majesty's Customs, at the port of importation, that such sugar was *boná fide* the growth and produce of the foreign country from which it was imported. With respect to the resolution passed on the 10th of July last, the important question to be answered was, whether, with reference to the 3rd schedule, the provisions of the old Act, with respect to sugar refined abroad, or imported from any place in Europe, was omitted in the present Act; whether sugar refined abroad, which was admissible under the old Act only, at the duty of three guineas, was to be now admitted under the duty of 1*l.* 7*s.* 9*d.*, or of 1*l.* 4*s.* 8*d.*, as provided by the 3rd schedule of duties agreed to in the resolution of July the 10th. There had been sold, or offered for sale, sugars forming part of the assets of De Bruyn and Co., which were warehoused in Holland, and of which the short price in London now was 23*s.* According to the old law, those sugars could only be sold in this country on payment of three guineas per cwt. for home consumption, or could only be imported to be refined for foreign exportation. Purchased for 23*s.*, and refined abroad, those sugars would fetch 29*s.*; but if such sugar, under the resolution lately passed, were admitted upon a duty of 1*l.* 4*s.* 8*d.*, the result would be that those sugars would be sold for consumption here at 54*s.* 6*d.* It must be clear to the House, that if those sugars could come into consumption on a duty of 24*s.* 8*d.*, the difference in the value of those sugars would be no less than 6*s.* 10*d.*, according as the Government might construe the resolution which had been passed. By the old Act no foreign muscovado sugars could be admitted, not being the growth and produce of the country from which they were imported, except upon the payment of a duty of two guineas. By the resolutions which had been passed, these muscovado sugars, unless they were protected by the navigation laws, would come in. [MR. LABOUCHERE: They are protected.] He was inclined to think they were. He believed that at present they would be prevented from entering this country by the navigation laws. But if the old law were repealed, these sugars might be admitted at one guinea and 18*s.* 6*d.*, instead of two guineas, which was the duty under the 9th and 10th of Victoria. It appeared that out of 27,000 tons of foreign sugar in bond in this country on the 5th of July, 15,000 tons were imported in unprivileged ships. It appeared also that the excess of stock in hand in the various ports of Europe was equal to 15,000 tons, as compared with the stock of last year. Thus there were 30,000 tons of foreign sugar, which, under the old Act, could only be admitted into consumption on payment of a duty of two guineas, and, unless protected by the navigation laws, would be admissible into this country on the payment of duties of one guinea, and 18*s.* 6*d.*, if the resolution passed the other day were construed in the way in which it was understood the Board of Customs had directed it to be construed. The first question he had to ask the right hon. Gentleman was, whether sugars refined on the continent of Europe would be admitted under the three guineas duty (which he apprehended not), whether they would be prohibited altogether, or would come in under a duty of 1*l.* 4*s.* 8*d.*? He had also to ask how the right hon. Gentleman proposed to deal with foreign sugar now warehoused in foreign ports, and with foreign sugar now in this country imported in unprivileged ships, supposing the navigation laws not to be repealed this Session, and that sugar to be transported to Antwerp for the purpose of being brought back to this country?

The CHANCELLOR OF THE EXCHEQUER replied, that the first question of his noble Friend applied to sugar of that description which was chargeable with a duty of three guineas. The schedule of the old Act to which his noble Friend referred had been put in to provide for unforeseen cases. There were certain descriptions of sugar which might come in actually without duty. If sugar could be grown at St. Helena, it could come in without payment of duty. The schedule was put in to prevent frauds and meet those possible cases. As soon as the Act was passed, a question was raised with respect to loaf sugar. A distinction was then made between manufactured and raw sugar; and, as with cotton in England, that was taken as the produce of the country which was in a manufactured state. The sugar of Holland was refined; the Dutch claimed to have their manufactured sugar admitted under the treaties which placed them on the footing of the most favoured nation; and therefore we could not impose a higher duty on their manufactured sugar. The present resolution was so worded that the third schedule comprehended all sugar the produce of foreign countries not otherwise charged with duty. Consequently, sugar refined in Holland or Hamburgh was now admissible for home consumption at a duty of 1*l.* 4*s.* 8*d.*; and so on. With respect to the second question, there was a certain quantity of sugar warehoused in this country which was imported in ships not belonging to the countries where it was produced; and that sugar was not admissible for home consumption under the navigation laws.

Report agreed to.

House adjourned at half-past Twelve o'clock.

HOUSE OF LORDS,

Monday, July 17, 1848.

MINUTES.] *Took the Oaths.*—The Lord Wigan; The Earl of Macclesfield.

PUBLIC BILLS.—1ª Wolverhampton Curacy.

2ª Appeals on Civil Bills (Dublin).

Reported.—Officers of Courts of Justice (Ireland) Assimilation of Appointments.

3ª County Cess (Ireland); Criminal Law Administration Amendment; Canada Union Act Amendment.

PETITIONS PRESENTED. From the Committee of Management of the Warwick County Asylum for the Adoption of Measures for the Reformation of Juvenile Offenders.—From the Presbytery of Garioch, for the Amendment of the Present System of granting Spirit Licenses, and that Toll Houses may be excluded altogether from the Privilege of Licenses.—From several Odd Fellows' Lodges, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From Distillers, against any Alteration of the Differential Duties between Home and Colonial Spirits.

SPAIN.

The MARQUESS of LONDONDERRY: My object in asking the question, of which I have given notice, is the alarm which I feel at the report that this proceeding of shooting General Alzaa will revive the horrors of the former civil war in Spain, so justly condemned by this country, and so happily, I thought, for ever put an end to by that humane convention, which has, to the honour of the individual who accomplished it, obtained the appellation of the Eliot Convention. This sanguinary act by the Christino troops seems to have been followed up by General Elio, as a reprisal, shooting twelve civic guards, which makes one believe that we shall see those atrocities renewed which were so fearful in the late war. It seems that the Carlist forces are organising again in Navarre. The inhuman practice I have alluded to was begun by the Christinos shooting the mother of Cabrera; and possibly this act towards General Alzaa may be only the commencement of similar slaughter. Every one must surely deplore the state of our present relations with Spain, more especially if we are cut off from all communication of an official character with the Government of that country. To be shut out by any circumstances from that interesting part of the Continent, in which of late years we have taken so prominent and extraordinary a part, seems most unfortunate, not alone in relation to friendly communications, but especially in relation to our commerce. The unhappy differences that closed the career of M. Isturitz in this country have never been explained. This House and the country have surely a right to know in what position our affairs stand now with Spain. I understood from a noble Lord the leader of a great party in this House, that he would bring on a discussion on this subject. The Session, however, seems drawing to a close, and one hears no more of it; and yet how do we stand as to the Spanish papers and correspondence which have been laid on the table? I must say there has been as great inclination to suppress and garble documents in the department of the Foreign Office as has been shown with respect to the Colonial Office. In the first series of papers there was a suppression of a very important despatch. It appeared, however, in the Journals. I moved for it, and it was produced in the second series—I mean the despatch of the Duke of Sotomayor to the Minister Plenipotentiary of Her Majesty, dated April 15. This despatch was most important in answering Mr. H. Bulwer's letter of the 12th of March, ably and unreservedly; and, secondly, in establishing the fact, that we not only have pursued a system of interfering in Spain, but that we actually called upon and insisted upon Spain interfering in Portugal; and, thirdly, the indignation felt by Spain at our throwing in her teeth, in these latter days, our having aided in placing Queen Isabella on the throne. This important despatch was at length squeezed out. But why was it delayed at first? With respect to answers to almost all the remaining correspondence, we are left officially much in the dark. We have now all our own story, but not one word of the Spanish injuries and complaints. We have seen, as before, a very long letter condemning various statements and charges. Whether true or not, Her Majesty's Ministers will afford us no means of investigating; and it is from seeing the impossibility of getting information as to all these points, and our actual relations with Spain, that I have felt it my duty, from the interest I have ever taken in these concerns, to put this question, namely, whether the Government had any means of ascertaining from our Consuls in Spain, or from any *attaché*, what was passing in that country?

The MARQUESS of LANSDOWNE said, that the question of the noble Marquess was this, whether Her Majesty's Government was in a condition which would enable them to furnish the House with any information with respect to Spain? He would not take upon himself to say that Her Majesty's Government was in a condition to answer all the questions which might be put to them with respect to Spain; but in reference to the particular matter to which the noble Marquess had alluded, he had no hesitation in telling the noble Marquess that the Government was in possession, through a consular agent, of the fact that one Carlist general had been put to death—in fact, that some of those unfortunate practices which heretofore had prevailed in Spain, had been revived. He could only say that this Carlist general had been shot before an answer could be received to a remonstrance which had been sent to Madrid on the subject. But, in fact, if Her Majesty's Government, had received any information, it would have been quite impossible for it to have interfered. He could only say that he viewed this proceeding, as everybody must, with the highest disapprobation.

The EARL of MALMESBURY said, he could perfectly understand what the noble Marquess meant when he stated that the Government were not authorised to interfere in respect to the internal affairs of Spain; but he could not but remember that the present Government of this country had a considerable advantage over their predecessors who formed the Government during the late civil war in Spain. He begged to remind the noble Marquess that the Pretender to the Crown of Spain was at this moment a resident in London, under the protection of Her Majesty's Government; whereas during former times Don Carlos was not in this country, and was, therefore, an independent party in

Spain, and could not be interfered with but by a commission such as was sent by the noble Duke to Spain. But he (Lord Malmesbury) hoped that if Her Majesty's Government had any authority with the Pretender, they would exercise it; and he was sure their suggestions would be listened to: he hoped they would induce him to recall those emigrants and partisans who had gone out to Spain, and who were perishing in the most miserable manner. He was sure that those parties would not risk their lives if they received positive orders from the Spanish Pretender not to persist in their undertaking.

The MARQUESS of LANSDOWNE said, it was perhaps incorrect on his part to add anything to what he had already stated; but as the noble Earl had adverted to the first point connected with the question of the noble Marquess, he wished to correct a misapprehension which the noble Earl seemed to be under. In the first place, though it was known perfectly well that the person referred to was now resident in this country, the Government had no right to impute to him that he was at this moment the Pretender to the Crown of Spain; and, least of all, that he exercised a control over the operations carrying on in Spain, or that he was chargeable with the character of those operations. But if he did consider himself to be the Pretender to the throne of Spain, we had no right to assume even this. Her Majesty's Government could not recognise him as exercising authority in Spain; and they had no reason to believe that at this moment he assumed such a right as that which was imputed to him.

LAW OF ENTAIL (SCOTLAND) BILL.

LORD CAMPBELL moved the Committee on this Bill.

The EARL of HADDINGTON admitted that the present law of entail in Scotland was defective; but he saw many objections to this Bill, which, he regretted to say, trampled on vested rights, which ought to have been protected in that House. He was aware that his opposition to the Bill, supported as it was by the Government and by a large majority of their Lordships, would be fruitless. The noble Earl concluded by moving that the House go into Committee on the Bill that day three months.

LORD CAMPBELL expressed his surprise that the noble Earl, having admitted the defects of the present law, should seek to perpetuate them by opposing this measure. He should resist the Amendment of the noble Earl.

LORD WHARNCLIFFE said, he did not mean to deny there were many advantages connected with an alteration in the law of entail; but the present measure, to effect that object, constituted one of the worst invasions of private rights that had ever been presented to their Lordships. In almost every other instance where Parliament had interfered compulsorily with the rights of property, they had taken care that the parties interfered with obtained compensation. But this Bill not only proposed to interfere with future entails, as to which he did not himself object, but it proposed to interfere with existing entails, under which parties might be entitled to rights though they were not in the actual possession of them. The question between him and the owners of the Bill he admitted was only one of degree; but it appeared to him that when they permitted an heir of entail, with consent of three of his sons, to bar the rights of all other relations, they conferred a right which went beyond the necessities of the case, for he had heard nothing to satisfy him that the rights of a fourth son, for instance, could not be estimated as well as the rights of nearer heirs. He thought, therefore, that this Bill dealt in too summary a manner with those rights; at the same time he did not wish to stand in the way of the Bill going into Committee.

LORD BROUGHAM said, there was a strong advantage in the English over the Scotch law of entail, as it was adapted to two great ends, both of which were of considerable importance. The one was that land was not tied up in so strict a manner as to take it out of the reach of commerce, while at the same time it was sufficiently stringent to provide adequately for the maintenance of the great families of the country, which was of great importance in a monarchical country like this. He, therefore, thought some alteration in the law of entail in Scotland was advisable, though he must confess he was not altogether prepared for such a sweeping measure. He thought Parliament was entitled to deal as it pleased with future entails; but he had strong objections to giving the measure a retrospective operation. He did not think that either his recollection or his reading afforded any example of so vast a change being effected in the legal bearings of property as was proposed in this Bill. For the Bill not only prevented persons from entailing their lands in future, but it went backward, and said that all entails now existing in Scotland should be liable to be broken, and treated as if they had been entailed according to the English instead of the Scotch law. If this change were accomplished, the position of Scotland and England, with respect to the law of entail, would be reversed, and they would give the Scotch proprietor more power over existing entails than the English proprietor had. He, therefore, could not agree to this change without opening his eyes to the consequences; and yet, upon the whole, he felt he would not oppose it.

Lord CAMPBELL reminded his noble and learned Friend that the English law of entail, as enacted by Edward I., under the statute *De Donis Conditionalibus,* was as stringent as the Scotch law, till the whole was overset by one decision of the Court of Common Pleas in Tarleton's case. This measure only proposed to do constitutionally by Parliament what had before been done irregularly by a decision of a court of law.

Motion negatived. Bill to be reported.

CANADA UNION ACT AMENDMENT BILL.

Earl GREY moved the Third Reading of this Bill.

Lord STANLEY did not mean to oppose this Bill, but he could not allow this measure to pass without expressing his regret that this Bill did not provide for our language being used in the courts of law in the United Provinces of Canada. He considered that this would be a serious disadvantage in the operation of the Act, by which the ends of the union would be altogether frustrated, and a permanent barrier would be raised up between two portions of the country, whose amalgamation was essential to the welfare of both.

Earl GREY said, he could not admit that the measure would have this effect. The information he had received from his noble Friend the Governor General of Canada was, that the existing state of the law defeated its own object—that it kept up a state of law directly the contrary of their object—and that instead of erasing the distinctions of race it made them only the more marked and obvious. He admitted that it would be an advantage if one language were used in the official records throughout Canada; but he attached still more importance to the principle of allowing all their local concerns to be regulated according to the wishes and feelings of the people of Canada. He therefore could not doubt that this measure, which had been recommended by three successive Governors General, would receive the sanction of Parliament. He was happy to say that the privileges accorded to the Canadians of being allowed to manage their own internal affairs, had been very successful in reconciling all classes in the colony to the existing system of government, and to cause them to regard with warm attachment this country, Her Majesty, and the institutions under which they lived; in proof of which he referred to several memorials and grand-jury addresses that had lately been received from both the French and English portions of the population. All the attempts that had been made, even during the recent events in Europe, to produce agitation in Canada, had totally failed, and the colony now enjoyed a degree of peace and of general content which he believed had never before prevailed. These were the results of allowing the Canadians to manage their own affairs: he was persuaded that the principle was right and just in itself, and he hoped their Lordships would agree to it.

Bill 3^a, and passed.

House adjourned.

HOUSE OF COMMONS,

Monday, July 17, 1848.

Minutes.] Public Bills.—1° Regent's Quadrant Colonnade; Salmon Breed Preservation; Bakehouses.

2° Consolidated Fund (3,000,000*l.*)

Reported.—Spirits (Dealers in); Parochial Debt and Audit.

3° West India Islands Relief; Administration of Criminal Justice; Naval Medical Supplemental Fund Society; Corn Markets (Ireland); Ecclesiastical Districts Assignment.

Petitions Presented. By Mr. Sharman Crawford, from the Parish of Greyabbey, Downshire, for a Repeal of the Union with Ireland.—From the Inhabitants of Ulverston, Lancashire, in favour of Universal Suffrage.—By Mr. Gladstone, from the Clergy of the Deanery of Chesterfield, against any Alteration of the Doctrine of the Church of England.—By Mr. Christy, from the Parish of Broomfield, Essex, against the Sale of Spirituous Liquors on the Sabbath.—From Thomas Dyer, of Forest Gate, Essex, for Inquiry respecting the Bow County Court.—By Sir William Clay, from the Minister and Congregation of James's Church, Ratcliffe Cross, London, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. G. Hamilton, from the Parish of St. James, near Exeter, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Walpole, from the Parish of Ealing, Middlesex, for Alteration of the Highways Bill.

VANCOUVER'S ISLAND.

The Earl of LINCOLN wished to put a question to the noble Lord at the head of the Government, of which he had given notice on Friday last. On Thursday he had asked the hon. Gentleman the Under Secretary for the Colonies, whether an inquiry had been instituted by the Colonial Office into the management by the Hudson's Bay Company of the territories over which they exercised authority; and, if any such inquiry had been instituted, whether, pending that inquiry, it was the intention of Her Majesty's Government to make a farther grant to the company of Vancouver's Island, giving them similar powers over that island as over their other territories? To that question the hon. Gentleman replied, that the inquiry had been instituted through the instrumentality of his noble Friend the Governor General of Canada, and that that inquiry not having been considered sufficiently ample by the Colonial Office, a further inquiry had been ordered to be conducted by an officer in the Queen's service. The hon. Gentleman stated further, that negotiations had been carried on between the Government and the Hudson's Bay Company for a cession of further powers to the company, but that nothing had been as yet concluded, inasmuch as there appeared to be some hesitation on the part of the company to accede to certain demands made by the noble Lord at the head of the Colonial Office, as he (Lord Lincoln) understood, in reference to some arrangement connected with the subject of colonisation. Under these circumstances the question of which he had given notice on Friday, and which he now wished to ask the noble Lord, was, whether pending the inquiry that had been recently instituted into the mode in which the Hudson's Bay Company had governed the territories now committed to its charge, the noble Lord would undertake, on the part of the Government, that, until that report had been submitted to the Government and laid on the table of this House, that no such cession of Vancouver's Island would be made to the Hudson's Bay Company?

Lord JOHN RUSSELL said, that his hon. Friend the Under Secretary of State for the Colonies had already informed the noble Lord that the Governor General of Canada had been written to, with a view to his making further inquiry respecting the conduct of the Hudson's Bay Company. His noble Friend at the head of the Government of Canada had not made any special inquiry; but Major Crofton, who had commanded the Queen's troops in the district, had reported that in his opinion the Hudson's Bay Company were justified in their conduct, and that they were not chargeable with the alleged delinquencies of which they had been accused. In this state of affairs the Government had to consider whether or not a further and more special inquiry should be made before taking any steps with respect to Vancouver's Island. On that question his opinion—and it was also the opinion of the Government—was, that as the communication with that part of North America was so difficult—as, in fact, it could only take place twice in the year—there would, therefore, be great delay before any special inquiry could be made and reported to the Governor General of Canada, and then sent to this country; and that it was, therefore, better at once to proceed with the arrangement to be made with the Hudson's Bay Company. That arrangement, as the noble Lord seemed to understand, would imply a cession of the land of Vancouver's Island, and also of certain powers of Government, though not the same as the Hudson's Bay Company now had over their present territory. The agreement which had been made, and which was now awaiting the final answer of the Hudson's Bay Company, would be laid before Parliament; but seeing the anxiety of other parties for colonisation in Vancouver's Island, it was the opinion of his noble Friend at the head of the Colonial Office, and of the Government, that loss of time would be a serious detriment, and that it would be desirable, without waiting for any report such as the noble Lord alluded to, to proceed at once to complete the arrangement with the Hudson's Bay Company. He could not, therefore, give the pledge which the noble Lord required of him.

BUSINESS OF THE SESSION.

Lord J. RUSSELL: I stated the other day, in answer to a question from the right hon. Gentleman the Member for Ripon (Sir J. Graham), that I would this day take the usual course adopted of late years, of stating what Bills the Government hope to proceed with in the present Session, and which they intend to postpone. I can only state the principal of the Bills—those which are of great importance; and it is not necessary I should go into any statement with regard to Bills of a minor nature. The first I shall mention is the Public Health Bill, which has passed this House, had the second reading in the House of Lords, and is still in that House.

With regard to that Bill, the Government intend to press for the opinion of Parliament in the present Session; and they hope that it will receive their assent. The next Bill is the Encumbered Estates (Ireland) Bill. That Bill came from the Lords. Many amendments have been introduced into it in this House; it has gone through Committee, with the general assent of this House; and certainly we shall proceed with it in the view of obtaining the assent of the House of Lords to the amendments we have made. I think this Bill is one of great importance, and that its enactment ought not to be delayed. There is a Bill which I introduced the other night, and which I propose shall be read the second time on Thursday night, with which we shall also proceed. It is the Bill relating to corrupt practices at elections. This is a measure referring to an inquiry into the state of boroughs with reference to which the returns have been questioned and set aside in the present Session of Parliament; and it is not fitting that it should be postponed. I shall therefore proceed with that Bill on Thursday next, hoping that it will receive the assent of Parliament this Session. Another Bill, with regard to which questions have been frequently asked, is, the Diplomatic Relations with Rome Bill. That Bill came from the other House of Parliament. It is in the hands of my noble Friend the Secretary of State for Foreign Affairs; and he will, as soon as he is able to obtain a day for that purpose, move the second reading, with the view of proceeding with it in the present Session. I come now to a subject of the utmost importance, founded upon a recommendation contained in the Speech from the Throne at the commencement of the Session, but in consequence of the debates upon the Army and Navy, the renewal of the income tax, and other questions, not introduced, as we had hoped, early in the Session, but after some delay—I mean the resolution upon which it is proposed to found a Bill for the amendment of the navigation laws. Since that resolution was introduced, we have had resolutions introduced upon the suggestion of Government, and amendments proposed with relation to the sugar duties—subjects which have likewise led to very long debates. We have, therefore, been disappointed in the hope that we were led to entertain, that we should be able to go on continuously with that measure, till it had passed, as soon as it was introduced. As matters stand now, considering the late period of the Session, the very great importance of the question, and that the Bill could not, for some time yet, go up to the House of Lords, we have come, reluctantly, to the opinion that we cannot proceed with it in the present Session. At the same time, having stated this intention, we hope there will be no objection on the part of the House to agree to go into Committee with the view of assenting to the propositions of my right hon. Friend, and of introducing the Bill, so that this House and the country may have it before them, and be in a condition to consider its provisions before it is again proposed. I feel, Sir, that while this measure has been the subject of great discussion in this House and in the country, the failure of its passing this Session will be a great disappointment to some of our most important colonies. I therefore think it my duty to declare that, whilst taking blame—if there is any blame upon the subject—for delay to the Government, and imputing none to any man or body of men in this House, the Government propose to introduce that measure at the earliest period of the next Session of Parliament; and after the discussion the subject has received—after the approbation of the principle expressed by large majorities of this House—the important province of Canada, and those foreign Powers to whom we have held out the expectation that the navigation laws would be repealed, will probably rest in confidence that the next Session of Parliament will see a measure—whether exactly such as the Government now propose or not, I will not say—taking away the restrictions imposed by the navigation laws, receive the assent of Parliament. With the measure relative to the navigation laws, I propose to withdraw the Merchant Seamen's Fund Bill, and the Light Dues Bill, of which they are the consequence. There is another measure of very great importance to which I must allude, which has not received any discussion, or hardly any, in the present Session—I mean the Bill relating to the franchise of counties in Ireland. This is a very important measure; but I do not think that the discussion upon a Bill of so much consequence ought to begin at this time. Other measures relative to the franchise will be introduced in the next Session, and therefore I propose to reserve this till the next Session. There is another measure of great importance with regard to Ireland—the Landlord and Tenant Bill; to this we shall endeavour to obtain the assent of the House in the course of the present Session. It is an important measure, as I have said; but I have always considered myself that it is of more importance from the opinion of Parliament having been taken upon measures of that kind, than from any very great benefit being likely to be derived from legislation upon the subject. Some Bills have been introduced by my hon. Friend the President of the Poor Law Board. He proposes to proceed with those Bills, and will take an opportunity, upon an early day, to state the reasons why he thinks it is important those measures should be considered by the House. There are many other Bills of minor importance, to which it is not necessary to refer; and the long list I now see before me contains several in which the Government are not concerned, but which are brought forward by others. I have, however, stated the intentions of the Government with regard to the principal Bills; and I shall now propose that the Order of the Day for the second reading of the Merchant Seamen's Fund Bill be read, for the purpose of discharging it.

Mr. GOULBURN said, it would be in the recollection of the House that in all the discussions on the West Indies, both in that and in the other House, the repeal of the navigation laws was held out as that which was to afford them the greatest degree of relief, and that it had been estimated at no less than *2s.* or *2s. 6d.* per cwt. upon the production of their sugar. He wished to ask the noble Lord whether, having abandoned the repeal of the navigation laws, he had any other measure in contemplation this Session, in order to compensate the West Indies for the loss of that amount of benefit which the Government had promised them?

Mr. HERRIES expressed his entire concurrence in the reasons which had induced the noble Lord to postpone any attempts to carry this Session the resolutions affirming the expediency of amending the navigation laws. The noble Lord had expressed a hope that there would be no objection on the part of the House in general —he presumed the noble Lord addressed himself chiefly to those who were most opposed to his views—to allow the resolution to pass, so that the Bill founded upon it might be before the country for its consideration until another Session. For himself—and he believed he could answer for others who, with him, entertained very grave objections to the course the Government were disposed to adopt with regard to the navigation laws—he should offer no obstacle to that proposition; but it must be upon the clear and distinct understanding that the Bill was not to go further in the present Session than its introduction into the House. It must further be understood in the clearest and most distinct manner, that by allowing the measure to pass to that stage without opposition or obstruction, it was not to be inferred that there was the slightest change of opinion on the part of those who viewed with apprehension the policy of the Government, and that they were as free to offer this measure the same determined opposition that they had hitherto given to it. The noble Lord having stated he was as much convinced as ever of the necessity for abrogating the navigation laws, he (Mr. Herries) thought it right to say, that all that had occurred since the subject was originally introduced had confirmed him in the belief that no measure more detrimental to the shipping interest, more fraught with nationa disadvantage—no measure of less promise in it of any compensatory benefit in the way of trade—had ever been introduced into that House. He drew a different inference from that deduced by the noble Lord at the head of the Government, from the papers just presented, as to the necessity of immediately repealing the navigation laws for the benefit of the colonies. Everything stated in these papers increased his conviction that the true mode of proceeding was by negotiation and arrangement, and not in the manner proposed by Her Majesty's Government.

Mr. BRIGHT thought the present not an unfavourable opportunity for making on or two observations with respect to the business of the Session, and the unfortunate course the Government, as he conceived, had pursued. He was not about to debate with the right hon. Gentleman opposite (Mr. Herries) the benefit or the evil of repealing the navigation laws. That measure had been recommended in the Queen's Speech, and the great manufacturing towns and a large proportion of the commercial and shipping towns were in favour of the abolition. It was quite true the measure had not been introduced till May; it was not, however, the fault of the House, but the fault of the Government it was not moved much earlier; for his hon. Friend the Member for Stoke (Mr. Ricardo), and others, had before that asked the noble Lord when the measure would be introduced. His opinion, he confessed, was, that Her Majesty's Government had never been extremely anxious to have it brought in. Perhaps they were afraid of the hostility its introduction would excite in hon. Gentlemen opposite. As, however, it could not be passed, of course the Government were not to blame for not doing that which was impossible. He wished now to call attention to one or two facts, which he thought had created in the minds of the people a strong feeling that that House had not attended to the duties committed to their charge. They met before Christmas, and held a short and not quite unproductive Session. They were then brought together, they were told, to consider the question of the Bank Charter Act, and the then afflicting state of Ireland. The measure which they passed relative to Ireland received the name of the Protection to Life and Property Bill, but in reality it was a Bill to enable the Government to disarm certain portions of the Irish people. No other measure of any importance passed before Christmas. After Christmas the state of Ireland was again brought before them, and he believed it had been a standing dish of that House ever since the oldest Member of it was a boy. Then they passed a Bill for making certain crimes, heretofore treason, felony, and for putting down certain apprehended or existing disturbances in that country. That measure passed by large majorities. They had since had a Bill introduced, which the noble Lord had described as a most important measure, to facilitate the sale of encumbered estates in Ireland. There could not be a doubt that this measure, as a beginning—for it must only be considered as a beginning—was one which would tend to restore social comfort in Ireland, because so long as land was held in that country as it now was, with the people bordering upon starvation, they must be hostile to peace and law. The Bill for extending the franchise and improving the registration in Ireland was not to be proceeded with. He did not expect it was; but he could not discover why, after being introduced, it had been allowed to remain so long a dead letter upon the Order-book, except somebody had said or whispered that hon. Gentlemen opposite intended to oppose it as a new Reform Bill for Ireland. It might be a new Reform Bill, but one was wanted for Ireland, and sooner or later one must be granted. It was stated, on the authority of a Member of the Government, that in the whole of Ireland there were not 60,000 electors—probably not 40,000—among a population of 8,000,000. Take the city of Dublin, for instance, upon the Election Committee of which he had been sitting for the last seven weeks; in that city there were 21,000 names on the electoral roll, and perhaps not more than 7,000 of them entitled to vote. The registration took place once in eight years; and it was impossible to strike names off until eight years had elapsed; and how many rates did hon. Members think must be paid before an elector could register his vote? He had a list of six in his hand, but he was told there were ten; and he had been informed, on good authority, there were no less than fifteen of one sort or the other. It was discreditable to that House, and a fraud upon the people of Ireland, that they should, by a system of registration like this—whilst professing to hold out to the people a representative system—clog it with every exception that the ingenuity of lawyers or of that House could devise, in order to defraud—he spoke advisedly—the Irish people of that representation which the preamble and title of the Act of Parliament professed to give to them. And what was the state of Ireland at the very time when Parliament was about to separate? Under the Bill for the better security of the Crown and Government, one Irishman had been transported, and he had been sent to a distant part of the world. What had been the result? Did peace prevail more than it did before? Were not hon. Members wearied every day with reading statements in the papers of new arrests for sedition and felony? Were not newspaper offices broken open by the police, presses and type seized, and transactions carried on which we had not been accustomed to see in this country for generations past? All this might be necessary; but what else was going on? Clubs were being formed in almost every part of the country—clubs in the south to oppose the Government, in the north to support the Government. Five or six thousand men meeting in arms, at one time, was described by the papers of the day; and we were informed the Lord Lieutenant was coming over to this country, he presumed, for the purpose of closer communication with the Government as to the condition of the country. What lay at the root of all this? The contest was now, as it had been during his whole life, between Catholics on one side, and Orangemen upon the other. This was the root of the political discontent in Ireland; and until it was weeded out, political discontent was certain to continue. He had himself asked the noble Lord at the beginning of the Session, in November last, whether, among the remedial measures he intended to introduce, there would be one having reference to the condition of the Irish Church? The noble Lord stated, in a manner to show he doubted whether the Irish Church was a grievance at all, although fifteen years ago he acknowledged it was a very great grievance, that he had no measure to propose. Now, he was prepared to maintain that the Irish Church lay at the root of the political and social discontent of that country; and that, so long as it remained in its present condition, from that root would grow up the noxious branches which had spread disorder, and were likely to spread rebellion, through one-third of the united kingdom. The Government did not appear to him to consider that if Ireland were in this position, the whole kingdom was very much imperilled. In his opinion, then, it was the duty of the Government to consider this question of the Church—the Church of a minority, which must come down in spite of all the efforts of that House to maintain it—and a Church which would bring down the Church of England with it, if it were allowed to remain as it was for many years longer. He knew it was maintained and conducted by Englishmen, because they conceived it to be a bulwark for the Church of England. If it were, there never had been a more rotten bulwark. Its rottenness would soon extend to this country; and if he were a member of the Church of England, he should say that she would be most strengthened and consolidated by the Church of Ireland being totally and at once abolished. What, then, was coming in Ireland? If the newspapers were to be believed, or the correspondence of private individuals to be relied on, insurrection and rebellion were coming. What steps were the Government taking either to prevent insurrection, or to make it of trifling importance when it did come? Why, just as in the case of Canada, there would be insurrection and bloodshed; the contests between the military, the police, and the people; and after a good deal of desolation, what was called peace. If there should be any disturbance in Ireland, what would be its effect in this country? Why, they would have embittered feelings a thousand times more intense than at present, particularly between Catholics and Orangemen. The cauldron which was now boiling over would be boiling again, and the hope of peace and contentment would be far more remote than at any period since '98. His opinion, then, was that Government ought not to allow Parliament to separate until these questions had been more fully discussed. If the noble Lord had brought in a measure with regard to the Church, and a large and generous measure with regard to the representation, he would have given to all those classes not anxious for rebellion an excuse to secede from the more desperate party. So far as he had the opportunity, he had now done his duty towards Ireland, and having done so, he washed his hands of the evils which he feared were coming over that country—evils which must come upon all countries where such grievous neglect was practised. With regard to the business of the Session, if there was any blame due in any quarter for useful measures not having been passed, it was due to the noble Lord. If he had said to-night that the navigation laws must be settled, and that he did not intend Parliament to separate till they had been repealed, that object would have been accomplished this Session. The noble Lord, however, did not rise to the dignity and influence of his position. One measure had been passed by that House which had been rejected in another place, the metropolitan city of England was consequently partially disfranchised, although it had returned a man whom that House had determined to admit. He said, that there had been Prime Ministers in this empire, not more honest, not more patriotic than the noble Lord, who would have had the courage to have acted in a manner more accordant with the wishes, and more calculated to advance the interests of the population of the united kingdom.

Mr. V. SMITH considered that the hon. Member for Manchester, in finding fault with the management of the public business by the noble Lord and the other Ministers, had not proved his case, and had made an unjustifiable attack. The business had been interrupted by extraordinary circumstances, which had never happened in any preceding Session; and he thought that Ministers, at the commencement of the Session, had taken the best course they could take in submitting a few measures, and determining to proceed with them. The hon. Gentleman had stated that the navigation laws might have been proceeded with instead of other laws; and then he said that Ireland was a paramount consideration, and he recommended a Bill to abolish the Church of Ireland. When Ministers undertook that measure, it would not be a business for a single Session only of Parliament. The hon. Member for Manchester ought to recollect the difficulty which he himself found in legislating for the poor of this country. The question of the game laws had been in the hon. Gentleman's hands for three years, and that which must be allowed to be a crying abuse and a great injury was still a crying abuse and a great injury to the poor. What came out of the Committee but two ponderous blue books, which conveyed very little information to this country, and no Bill had been introduced. There were two most important questions which mainly regarded the condition of the poor, and ought to be attended to: one was the question of settlement; and upon that he begged to know whether the Poor Law Commissioner meant to proceed with those Bills which he had introduced this Session? Although they did not go the length of a settlement of the question, yet they might lead to arrangements advantageous to the poor of this country. The other question was that of emigration. Did the noble Lord mean to propose any vote for emigration before the Session terminated, which might give rise to any discussion upon the subject? He was therefore anxious that something should be done before the expiration of the Session; and he should be glad to hear from the Under Secretary of State for the Colonies that he had considered the plan submitted by the hon. Member for Bath, or some other plan.

SIR R. H. INGLIS said, that when they had heard from the noble Lord a few days ago what course he was about to adopt as to the Orders of the Day, they were also informed, not, indeed, by the *London Gazette*, but by a document which was generally supposed to represent the mind of Ministers almost as much as the *Gazette*, that they were to be at the close of the Session in the second week of August; but on looking at the thirty-three Orders of the Day he found that his noble Friend had only proposed to abandon five Government measures; he had only cut out five in respect to which he did not mean to ask the judgment of the House: twenty-eight, therefore, remained. In addition to these twenty-eight, his noble Friend had also referred to three other Bills on which he wished for the vote of the House. He would not ask him with what hope he proposed to carry forward the Diplomatic Intercourse with Rome Bill; against which he might take this opportunity of stating that he had this day presented a petition to which were attached the names of 3,500 of the clergy of the Church of England; and he could not but think that if his noble Friend had been in the House when that petition was presented, he would have paused a little before he pledged himself and the Government on the 17th July to carry the Bill in the present Session of Parliament. The hon. Member for Manchester had almost provoked a discussion, not merely on the subject of the Orders of the Day, but on almost every subject which had occupied the attention of the House. He would not follow him further than to say, when he affirmed, in a tone of eloquence which he was happy not to imitate, that the Church of Ireland must go down, and must drag the Church of England with it, that he hoped the United Church of England and Ireland—one altogether in principle and system as they were—would long survive the sect of the hon. Member; and he trusted that the hon. Member, retaining to the last day of his existence all his principles and all his eloquence, might never yet be placed by the combined energies of the fifty other Gentlemen forming the New League in the position of Chancellor of the Exchequer, or First Lord of the Treasury, in order that thereby station might give official weight to his opinions. He now passed from the hon. Member to his noble Friend; and thought that he was justified in asking two questions: first, what his intentions might be, not with respect to any measure now on the Order of the Day, but as to a measure of which, on the 1st of June last, he gave notice, fixing the day of discussion of the question for the 1st of July—it was a Bill to alter the oaths to be taken by Members of the House? He trusted the noble Lord would be prepared to say, when he rose to answer, that it was not his intention to bring forward that measure in the course of the present Session. He wished to ask a second question, whether, when his noble Friend felt it to be his duty on the part of the Government to abandon so many important measures, as not having time for adequate discussion, he would give encouragement to amateur Members of Parliament bringing forward their measures? because, at a time which was most inconvenient for the discharge of their functions, some measure might be introduced which required the fullest consideration. He hoped that if the noble Lord were not prepared to proceed with measures for which he was responsible, he would give no encouragement to the legislation of Members not connected with the Government, for which he was not responsible.

MR. RICARDO confessed that he had heard with much astonishment that the noble Lord had abandoned the Bill for the repeal of the navigation laws, as he felt that to be a Bill of an importance that was not to be trifled with: it was a question which affected the whole mercantile community of the country; and he believed that if the noble Lord was sincere in the principles which he had so often enunciated—if he had been as determined to carry this measure as he ought to have been, it could have been done. He did not agree that it would be wise in the noble Lord to say that he was determined to press this question, or to pass so important a question in a hurry; but he had need of his reputation for honesty and sincerity to make the people of this country believe that he was sincere in his determination to carry this measure. Two things the noble Lord had promised: one, that the Bill of 1846, as to sugar, should be retained; and the other, that the navigation laws should be repealed. The Bill as to sugar had been altered in a manner totally at variance with the principles of free trade; and the navigation laws had been procrastinated until it was too late to bring the matter forward. He hoped the noble Lord was sincere in his intention to bring this measure forward on the first opportunity.

MR. HUME said, if the question of the navigation laws was one of so great importance, he considered the conduct of the Government in throwing it aside to be the most extraordinary that ever occurred. He hoped the noble Lord would intimate to-night that he would bring in a Bill to allow the colonies to have intercourse with foreign States. What should he say as to Ireland? They had been called together in November to correct the abuses of that country—they had passed a strong coercive Bill—they had passed a Bill called the Gagging Bill—they had passed an Alien Bill; but what single Bill had they passed for the evils of Ireland? It was true that the Encumbered Estates Bill was good, and as far as it went he had supported it; but what other measure had been passed to remedy the evils of Ireland? His hon. Friend the Member for the University of Oxford had said that he hoped the Church of Ireland would last as long as the Church of England. He had great doubts of it. The Irish Church was at the root of the evil. Would England continue to maintain that which was the cause of the evils of Ireland? Was Ireland to be garrisoned by 50,000 men, to support the Church, and keep down the people, who were starving? Of this he was quite sure, that the House deserved the censure of the country, and he was confident they would receive it by the next election.

MR. LABOUCHERE felt as deeply as any one the evils and inconveniences of not proceeding to decide on such a question as that of the navigation laws; but he could not agree with those who thought that the time on this subject had been thrown away. This was a question which it was impossible to expect should receive the sanction of the Parliament or of the country without much previous deliberation; and he was sanguine enough to believe that the discussions and divisions had gone a great way to remove any prejudice that might have existed on the subject, and that on the approaching discussion of the question at an early period next Session they would be in a condition to come to a satisfactory decision. He must also say that he thought the accounts they had already received from the colonies would afford the greatest assistance and encouragement to those who contended that a great alteration in the navigation laws was necessary. He was anxious not to utter a word which might provoke discussion; but after what had fallen from the right hon. Member for Stamford, he could not help entreating the attention of the House to the manner in which the plan had been received in Canada. To use the expression of Lord Elgin, the repeal of the navigation laws was hailed with unanimous acclamations. When the right hon. Member said that he would make this a matter of stipulation and bargain rather than unqualified concessions, he would point to that which was a most important part of the concession to Canada, namely, the free navigation of the St. Lawrence, which would enable them to obtain easier means of communication with the United States, and greater facilities for competition with foreign shipping. So that the measure had obtained the unqualified approbation of the whole of that important colony. With respect to the West Indies, he regretted, for the sake of those colonies, thot they had not been able at once to modify the navigation laws; but he was surprised at the high tone which the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) had taken upon this subject, for he was not aware that he was so great an advocate of a repeal of the navigation laws. He had sat with the right hon. Gentleman upon the Committee, and he did not recollect ever to have heard him express himself so strongly before as to the necessity of qualifying the navigation laws with a view of relieving the West Indies. As he said before, he felt as deeply as any one upon this subject; and he trusted the prospect of passing the measure would not be hope long deferred. He agreed with his noble Friend that it would be the bounden duty of the Government, at an early period of the next Session, again to bring forward this question, if it should be in their power to propose its adoption by Parliament; and he was sanguine enough to believe that, resting as it did on reasons of policy and justice, it would be utterly impossible for Parliament to reject it.

Lord G. BENTINCK: I have no wish whatever to protract this discussion. I am quite satisfied that the navigation laws should be put to bed for the Session, and will therefore not quarrel with Ministers for their mode of doing it; but when the right hon. Gentleman (Mr. Labouchere) expresses his deep regret at the disappointment likely to be felt in the colonies, and especially in Canada, at the postponement of the measure, I must take leave to refer to that very correspondence which he himself has alluded to; and I must say that I cannot find anything in it which those who advocate the repeal of the navigation laws have any great right to congratulate themselves upon. It is perfectly true that the Canadian colonists, in a spirit of exasperation arising out of the policy previously pursued by the English Parliament, had stated that a repeal of the navigation laws was necessary to countervail the free-trade policy to which they had already been subjected. But they tell you distinctly that the old colonial policy of protection was of greater advantage to them than the repeal of the navigation laws could be under the new policy; and that if their old protection against the wheat, the flour, and the timber of the United States had been continued, they had no desire whatever to see the navigation laws repealed. But what do the Canadians tell you now? The Secretary of the Montreal Board of Trade, in language which has drawn forth from my Lord Elgin, through his Secretary, a severe rebuke, uses language tantamount to saying that if the repeal of the navigation laws should not succeed in securing to the Canadians the navigation of the St. Lawrence, the ties—both commercially and politically—between Canada and the United States must be drawn closer. Is that a matter of congratulation? The right hon. Gentleman (Mr. Labouchere) congratulates himself on the opinion which has been expressed on the subject of the navigation laws; but what says Lord Elgin, or rather Mr. Secretary Sullivan writing in his name, to the Secretary of the Montreal Board of Trade:—

> "He observes with regret an expression in the memorials which the Board of Trade has requested him to forward, to the effect, that should the river St. Lawrence not continue to be the great highway for the commerce of Canada, a commercial union of the most intimate character will be produced between the United States of America and this colony, the inevitable result of which would be to dissolve the ties which connect the latter with the mother country."

Now, for a Minister of State to dare to rise in his place and express congratulation at the reception of news of this kind, is a matter of the greatest surprise and regret to me. Lord Elgin goes on to say that he regrets—

> "that this expression should be used at a time when the only remaining protection existing in England is afforded to Canadian trade, and after so many demonstrations of the disinterested desire on the part of the Imperial Government to make the connexion of Canada with the empire beneficial to the colony, is a ground of surprise and disappointment to his Excellency. If the observations of the Board were correct, there could have been no necessity for making it a prominent argument with a Government only desirous to benefit the province by the connexion which it apparently threatened; and, if it be not correct to assert that the allegiance and attachment of Her Majesty's faithful and loyal subjects of Canada depends upon the successful competition of one route of commerce with another, it is peculiarly unfortunate that, in forwarding to the Imperial Government memorials, recommending measures in which his Excellency takes at least as lively an interest as the memorialists, he should be forced, in justice to the Canadian subjects of Her Majesty, to express his dissent from a proposition contained in the memorials, in which he cannot believe the people of Canada could, under any circumstances, be induced to concur."

But now let us see the rejoinder. Why the rejoinder is missing from the correspondence on the table; and the House has been told by the hon. Gentleman the Under Secretary of State for the Colonial Department, that the document has not been sent home. How came Lord Elgin to keep the rejoinder back? But what said the Secretary of the Montreal Board of Trade? Does he retract any of the sentiments which he has expressed. No; he adheres to them and confirms them, puts them in stronger language, and uses a tone of greater determination and resolution. This is his language:—

> "I am further instructed to say, that while it would be a cause of sincere regret to the Council that any objectionable expression should emanate from them, they consider it to be their bounden duty, as it is their undoubted right, respectfully but unequivocally to declare to the Queen, Lords, and Commons of England, the baneful consequences which, in their opinion, must ensue from the abandonment of the protective policy of the mother country towards the colonies, unless promptly followed up by remedial measures to compensate for the loss of that protection; consequences which, as pointedly stated in the memorial, the Council would deeply deplore."

In answer to what Lord Elgin had said on the subject of the protection which still remains to Canada, the writer goes on to say—

> "It is true that a small remnant of protection still exists in England, not, as you say, in favour of Canada only, but also of Nova Scotia, New Brunswick, the West Indies, and other dependencies of the empire; the Council, however, do not recognise in this any valid reason for withholding the free expression of their opinion on the subject. The expression of that opinion was prompted by an earnest desire to avert a dreaded calamity; and they would take leave most respectfully to remark, that it is in no small degree satisfactory to them to find that the view they have taken in regard to the influence of commercial interests on political feeling does not seem to be at variance with that of his Excellency the Governor General, as embodied in a despatch of the Colonial Secretary referring to the contemplated changes in these laws, and cited in the recent discussion of the question in the House of Commons, wherein his Excellency was pleased to say, that 'one of the most efficacious expedients for securing the allegiance of a high-spirited and enterprising people is to convince them that their material interests will not be advanced by separation.'"

I really can see no matter of congratulation in the language made use of by the Canadians, for you may depend upon it that no repeal of the navigation laws can take place without involving the ruin of one great interest at the least—that of shipbuilding; and as regards freights, unless the effect be, which is exceedingly unlikely, to reduce them one half, no good can arise; I think it is poor consolation for Ministers to look back upon the declaration which the Canadians have made that unless you can secure to them the trade of the St. Lawrence, the effect must be to draw closer the ties which exist between them and the United States. So much, then, for the deep interest which the Canadians have in the repeal of the navigation laws. Now, for the West Indies; and as the measure has been postponed, we shall see what the West Indians say in their petitions next year. They have now learned that there are 15,000 tons of foreign sugar kept up by the navigation laws. I stated on Saturday that there were 15,000 tons of foreign sugar in excess kept up by the navigation laws; but I find from information that I have since received that the quantity is much greater. I can undertake to say, on the authority of gentlemen whose knowledge will not be disputed, that the difference in price between sugar by privileged and unprivileged ships is equal to 2*s.* 6*d.* the cwt. Now, the West Indians, before you can bring in a Bill, will have had an opportunity of reconsidering the matter; and when they learn the security the navigation laws have been to them against an overwhelming inundation of foreign sugar, you will not find them so ready, however much they may be incited, to petition for a repeal of those laws. And I am very much mistaken if you will not find your West India planters and the planters of the Mauritius pretty unanimous in petitioning against the repeal of the navigation laws. The noble Lord concluded by saying that had it not been for the observations of the right hon. Gentleman (Mr. Labouchere), he should not have troubled the House with any remarks on that occasion.

Mr. MACGREGOR regretted that Her Majesty's Government had not proceeded with the measure on the subject of the navigation laws during this Session; but, at the same time, he was of opinion that if they thought that they could not satisfactorily dispose of it during this year, they were quite right in postponing the further consideration of such an important subject until next Session.

Mr. W. S. CRAWFORD thought the observations of the hon. Member for Manchester, and the hon. Member for Montrose, were deserving of some comment from an Irish Member, or one connected with Ireland, for they conveyed a great deal of truth. He (Mr. S. Crawford) thought it necessary to state to the House that the people of Ireland would experience great disappointment at the abandonment of the Registration Bill. If the hopes and expectations of the people of Ireland were to be constantly disappointed in that manner, what was the Government or the Legislature to expect but disaffection and continued agitation in that country? He protested, in the name of the people of Ireland, against the abandonment of the Registration Bill for Ireland.

Mr. SLANEY did not think that the Government deserved the obloquy which had been cast upon it for the abandonment of a few measures which were not likely to be passed this Session. Let the House remember the manner in which the time of the Legislature had been occupied—how many new Members had spoken on every subject which had been brought before them—and then let them say if the Government were to blame for the delay of any measures. If they carried the Health of Towns Bill, and the Landed Estates (Ireland) Bill, during this Session, they would have done more for the country, and towards removing the grievances of the working classes, than any former Parliament had done. He could not at all agree in the view of the hon. Member for Manchester that the disaffection in Ireland arose from any objection to the Established Church. The failure of the potato crop was the great cause of the recent agitation and disturbance, and that was a cause which he trusted the bounty of Providence would remove.

Mr. W. J. FAGAN lamented that nothing had been done for Ireland during the present Session. He believed that that House had not time properly to attend to the concerns of Ireland, and that it would be absolutely necessary, in order to preserve the connexion which existed, and which he trusted would always exist, between this country and Ireland, to permit local affairs to be transacted in Ireland by a Parliament of its own.

Sir D. NORREYS rose to put a question to the noble Lord at the head of the Government respecting a Bill which was proposed to be introduced for the conversion of leases for lives renewable for ever into freehold. That Bill was not introduced, and he feared would never be, although leave had been given to bring it in. [Sir G. Grey: The Bill has been introduced.] He had been returned to Parliament as a Whig Member, and had found great difficulty in carrying his election; and now, what should he say to his constituents when they asked what had been done in this Parliament for them? He had been for years struggling to maintain his seat as an advocate of the Union between the two countries; but if legislation went on as it had done of late years, in reference to Ireland, though he would not say he would become a Repealer—for, probably, he was too old to change his politics—yet he should cease greatly to wonder at, and certainly should never blame, those who advocated the management by the Irish of their own affairs. He felt more honour in belonging to the Whig party when they sat on the opposition side of the House; and in reference to that consideration he cared not how soon the Whig party changed from the Ministerial to the other side of the House.

Lord J. RUSSELL: I understood that my hon. Friend (Sir D. Norreys) was going to ask me a question. Now, he has certainly made many observations, but has wholly omitted to ask any question. If there was any question at all, it was this—whether it was likely that the Bill for converting renewable leases into a tenure in fee would ever be brought in? and that question was answered by the Bill, the existence of which my hon. Friend said he doubted, being shown him in a printed form. The hon. Gentleman the Member for Manchester has likewise asked some questions, and has complained that no statement has been made by the Government with respect to the affairs of Ireland. But as the hon. Member for Rochdale has given notice of a Motion, upon the occasion of the House being asked to go into a Committee of Supply, in submitting which to the House the hon. Member means to bring under notice the whole state of Ireland, I thought that this certainly was not the occasion when I should be required to enter generally into the condition of that country. However, I must say a word in reference to what has fallen from the hon. Member for Manchester, when he took on himself to represent the opinions of the Government. He stated that the Government has not gone on with the Irish Franchise Bill, because they understood that there would be opposition to it, and that the Bill would be considered as a new Reform Bill. Upon that subject the hon. Member is entirely misinformed. The hon. Member has also stated that the Government were not anxious on the subject of the navigation laws. On that point he is also misinformed, because they were anxious to bring it forward; and I must say to the hon. Member for Stoke, and other hon. Members who take an interest in the subject, that I do not see that it was possible to bring in the measure earlier. I must either have allowed the Income Tax and the Mutiny Act to expire, or have abstained from introducing the measure on the subject of the navigation laws at an early period. The noble Lord (Lord G. Bentinck) has referred to some reply made to the Secretary of the Governor General of Canada; and I understood him to ask why that document was not placed on the table of the House? The answer is, because the Governor General did not transmit it to the Colonial Office; and it is not in possession of the Secretary of State for the Colonies. The noble Lord has read some extracts from that document, and I will read an extract from a memorial of the Montreal Board of Trade. It is to this effect—

> "That the repeal of these laws (the navigation laws) will have the tendency to perpetuate and not destroy the relations that exist betwixt Canada and the mother country."

It has been asked—what are the intentions of the Government with regard to the Scotch Registration Bill? That Bill is in the other House of Parliament, and when it comes down I will be ready to proceed with it; but, of course, I cannot state on what day it will come down to this House. The hon. Baronet the Member for the University of Oxford has said, that he is informed that Ministers expect to prorogue Parliament on the second week in August. I certainly entertain no such expectation, and I am not one of those who think that the prorogation can take place so early. I shall be ready to proceed with the Bills I have mentioned, and it will depend upon the progress we make with those Bills, and upon the extent of the discussions, how soon Her Majesty will be pleased to prorogue Parliament. In reference to Irish measures, hon. Gentlemen have alluded to the Landlord and Tenant Bill; and whatever they might say as to the opinions of Irish Members being neglected, on that subject, at all events, a Select Committee was appointed, the majority of the Members of which were Irish Members; and that Committee agreed to and recommended the present Bill. Consequently the reproach that the opinions of Irish Members are disregarded, could not at any rate apply to that measure. The hon. Member for Manchester, finding great fault with the conduct of the Government, said that there was one Bill—that for facilitating the sale of encumbered estates—which was essential to lay the foundation of a better social condition in Ireland. Now, I ask the House whether a Gentleman, wishing to indulge in every sort of invective against the Government, could have paid us a greater compliment than by saying that we had introduced and carried a great way on its course a Bill calculated to lay the foundation of a better social condition in Ireland? I rest satisfied with that compliment of the hon. Member for Manchester, who certainly appeared unwilling to pay the Government any compliment at all. The hon. Baronet the Member for the University of Oxford has asked whether I intend to propose making any alterations in the oaths taken by the Members of this House. Certainly, as public business has increased so much since I gave notice on the subject, I do not now intend to make any Motion in reference to it in the present Session. The subject, however, is of importance; and some of the oaths are, I think, not only very unnecessary, but almost make the form ridiculous. With respect to the Bill for establishing diplomatic relations with the Court of Rome, I do not believe that there was any objection to the principle of it in the other House; and if there was a division, very few divided against it; and I should hope that Parliament would give its consent to a Bill which merely goes to establish diplomatic relations with one of the Sovereigns of Europe.

Mr. OSBORNE said, it was very improper that the country should deceive itself, or allow the House to deceive it, upon the question of Ireland, which was by far too serious to be dismissed in an easy offhand way. He believed, throughout the whole course of the discussion, there had been found only two Gentlemen, the Members for Northampton and Shrewsbury, to speak in favour of the course pursued by the Government. He thought, however, that the conduct of Her Majesty's Government was deserving of something more than House of Commons' invective. As he would say nothing derogatory of the dead, so also he would say nothing derogatory of an expiring Government; but he did say that the Gentlemen of Ireland ought not to have been left in the way in which they had been. He had resisted the repeal of the Union heretofore; but he was of opinion that repeal would become necessary if such a system as had been adopted was further developed. If such a state of things was to be continued for another Session, he would join the Irish Confederation, or any other confederation which would have the power of forcing the Government to adopt a wiser system of policy, or to retire from a position to which they were unequal. He said that the conduct of the Government towards Ireland was a mockery, a delusion, and a snare. What had the Government induced him to do? They had induced him to give a factious vote, in order to turn out the right hon. Baronet the Member for Tamworth, when they entered into collusion with the other party, the protectionists. They induced him then to vote for a coercion Bill, on the express understanding that other measures of a conciliatory and remedial nature were to follow. How had that promise been carried out? They had an Encumbered Estates Bill, and they would not have had that were it not for an accident. If it had not been that Sir C. Dundas left the Government, they would have had no Encumbered Estates Bill. The hon. Member for Devonport came down to the House with a new Bill tacked to the old, and which was quite dissimilar to it, and the success of which was very problematical. When the right hon. Baronet the Member for Tamworth was in power, they no doubt remembered how pertinaciously the right hon. Gentleman the Member for Dungarvon taunted him with the cry of "Where is your Registration Bill?" He would repeat that question, and ask them where was their Registration Bill? Where was their Bill for an alteration in the grand-jury laws? They had been told that that was a petty circumstance; but he could tell them that the present system of grand-jury regulation was one of the greatest evils under which Ireland laboured. The noble Lord acted towards Ireland very much upon the same principle that the Provisional Government in France acted towards the labourers in that country. They told them that they would give them everything before they got into power; and when there, they gave them nothing. He considered that it was too bad for men to take the official responsibility of office without the ability to maintain it. It was all very well for the Chancellor of the Exchequer to say, in his easy, jaunting manner, that he wished he were out of office. He entirely reciprocated that wish; for, unless some party was prepared to take and turn out those men of straw, there was great danger and cause of apprehension. At the present moment, he looked forward with horror to the winter in Ireland. When the report of that night's proceedings would be read, it would give a tone to the public mind of Ireland which the noble Lord would be the first to regret.

MR. NEWDEGATE said, that, whilst he had not the slightest intention of offering any thing in defence of the declarations or proposals of the Government made years ago, as an independent Member of that House he must tell the people of Ireland, when they complained that more was not done for them, that they did not approach this country or the Government in a form very likely to conciliate their good offices. That House had shown no indisposition to meet the evils of Ireland; but he must say that he utterly repudiated such doctrines as those of the hon. Member for Manchester, with respect to the Church of Ireland; and he thought it was fit that the House of Commons should let the Irish people know that, ready as they were to consider any acknowledged grievance, armed sedition and conspiracy, and the formation of secret societies against this Government, were not the means to conciliate this country, and to induce them to extend to that country the privileges and advantages she asked. Let him ask any reasonable man, with reference to the demand, for instance, of an extended franchise, whether the Irish people were better calculated than were other parties in this country to exercise an extended franchise? A Motion had lately been made in that House for an extension of the franchise as regarded England and Scotland. That question had not been entertained, however, by the House with regard even to these portions of the kingdom; and what was there in Ireland just now to cause a preference for that country in that respect? If the franchise was a privilege, it was one that ought to reach those last who found themselves the most inclined to disturb the existing law of a nation. The people of Ireland could not thus convince this country that they were entitled to privileges and advantages which were denied to the people of England and of Scotland.

Order discharged.

RUM DUTIES.

House in Committee, for the consideration of the Duties on Rum; Mr. BERNAL in the chair.

The CHANCELLOR OF THE EXCHEQUER rose for the purpose of proposing the second of those measures which the Government had announced for the benefit of the West Indian colonies, by promoting the introduction of their produce into this country; and he was happy to state that, in this measure, the interests of the consumer, as well as of the West India producer, were consulted. It had not been without regret that, in the measure on the subject of the sugar duties, which the Government had lately submitted to that House, they had for a time somewhat neglected the interests of the consumer; but in the proposal he was about to make, the interests of the consumer and of the producer were alike consulted. The principle which the Government laid down three years ago, with reference to the duties upon rum, was, that so far as legislative measures went, the colonial producer should be allowed to bring his produce into this country on equal terms with the British producer; and the measure he was now about to submit to the House was based upon that principle. He had stated, during the last Session of Parliament, that he considered a differential duty of 6*d.* between British and colonial spirits would attain this end; but, upon further consideration, he had been induced to propose a lower rate of duty. Although in the spring of 1847 he had thought 6*d.* was a fair differential duty, it was not in the slightest degree inconsistent with that opinion, that, considering the measures which had since then been introduced for the benefit of the British distillers, he should now think that, in the altered state of circumstances, a less sum would be a sufficient protection. No doubt the consumption of British spirits had fallen off during the last year; but he believed that fact was to be attributed to the peculiar circumstances of the times. There had been, during the last year, owing to the failure of the spring crops, a considerable falling-off in the quantity of malt brought into consumption; and to that circumstance he attributed, to a great extent, the deficiency of the revenue, which had disappointed his expectations with regard to the amount to be derived from the Excise. In the early part of 1847 he did not anticipate any very material falling-off in the revenue from malt; and he was encouraged in his anticipations by being informed that, if the crop in this country was short, foreign barley would be brought in. He found, however, that the grain which had been imported into this country from abroad had, to a great extent, been re-exported, in consequence of the deficiency of food in foreign countries; and this circumstance, in a great measure, accounted for the falling-off in the revenue from malt. Between 1846 and 1847, there had been a falling-off in the quantity of malt charged with duty of 6,700,000 bushels. He thought it was apparent that this falling-off was not attributable to increased entries of colonial spirits for home consumption, because, though the entries were considerable, as compared with former years, both in Scotland and Ireland, the quantity of rum actually consumed in those countries was most insignificant compared with the total quantity of spirits consumed. He found, from the evidence given before a Committee of that House, that the total quantity of spirits entered for home consumption in Scotland, in 1847, was 6,193,000 gallons, of which only 382,000 gallons consisted of rum; while the total quantity of spirits entered for consumption in Ireland, during the same year, was 6,037,000 gallons, comprising only 176,000 gallons of rum. He would now proceed to state why he thought the duty upon colonial rum should be reduced. The noble Lord opposite (Lord G. Bentinck) had submitted to the Committee of which he had recently been Chairman, a report and resolutions which contained a perfect mine of information on this subject, and in which great stress was laid upon the different positions of the distiller from malt and the distiller from grain. Now, he thought it was impossible to draw a distinction between the two. It was quite clear that, at present, they competed successfully in different parts of the country; and he conceived that, whatever protection was adequate for one, must be adequate for the other. He conceived that the malt distiller was paid for the additional cost of his materials by the additional price which he obtained for his produce. He considered, also, that another ground on which the distillers founded a claim to a higher differential duty was untenable—he meant the claim of rectifying. He had said last year that he did not admit the claim they put forward on the ground of rectification; for he considered that rectification was in fact a further process of manufacture, for which the producers were amply remunerated by the higher price which they obtained for the purer article. He did not think, either, that there was any force in the complaints which had been made by the distillers with reference to the corn duties, or any ground on which they ought to claim a differential duty against the colonies. The grounds upon which the distillers claimed protection in consequence of the payment of malt duty, was, that a certain quantity of malt was necessary to enable them to distil from grain. Now, he found that a quarter of grain produced 20 gallons of spirits, 1-11th of malt only being used. The distillers themselves claimed, on this ground, 1½*d.* a gallon; but the amount which came nearest to a fair claim was 1¼*d.*, and that, in fact, exceeded what they were entitled to. The duty upon a quarter of malt was 22*s.* 8½*d.*, and, as he had stated, 1-11th of a quarter was used in distilling from a quarter of grain, that would give rather less than 2*s.* 1*d.* a gallon; which, on 20 gallons—the produce of the quarter of grain—was 1¼*d.* per gallon. The next claim made by the distillers was for decreases, for which they required 3½*d.* a gallon. Now, he could not conceive on what ground a claim for so large an allowance was made. If the duty was taken on British spirits when they came out of the warehouse, the precise amount of decrease in the warehouse might be ascertained; and it was only to the extent of that decrease that compensation ought to be given. Mr. Currie, who was examined before the Committee, said, in reply to the right hon. Member for Cambridge University—

> "I am far from wishing the Committee to understand that the decreases in our trade amount to 3½*d.* per gallon; but what I mean to say is this, that I have here a Parliamentary paper, by which it appears that, in the year ending the 5th of January, 1846, the amount of duty remitted on allowances for deficiencies and leakage on rum in bond amounted to 36,248*l.*; that upon the quantity of 2,411,000 gallons, gives over 3½*d.* a gallon."

It appeared from Parliamentary papers moved for in May, 1846, that the amount of duty allowed for decrease upon the quantity of gallons of rum warehoused did amount to 3½*d.* a gallon; but the same papers afforded the means of forming an accurate calculation of the decrease in Ireland and Scotland. It appeared that the allowance for decrease upon rum warehoused in Ireland was ¼*d.* and 15.100*d.* per gallon, while in Scotland it was equal to 56-100ths of a farthing—or rather more than half a farthing—a gallon. He stated to the House, in 1847, that, upon an average of several distilleries, he found the result brought out was, that the actual deficiency in the case of Scotland was 33-100ths of a farthing per gallon; and in respect of Ireland, ¼*d.* 15-100ths per gallon. If an allowance was made to the extent he had mentioned, namely, rather better than half a farthing per gallon in Scotland, and not so much as a farthing and a quarter in Ireland, it would be equivalent to the whole loss to which the spirits were subject in warehouse. This is the extent to which the distiller would be benefited, if he was allowed to pay duty on taking his spirits out of warehouse instead of at the worm's end; and this, therefore, was all that he was entitled to claim compensation for. If he paid the duty on taking the spirit out of warehouse, he would be in precisely the same situation as the importer of colonial spirits, and would have no cause of complaint. This he (the Chancellor of the Exchequer) could not consent to, for the opportunity for fraud would be so great, that the risk to the revenue was more than he should be warranted in incurring. It had been estimated by the Excise at not less than 100,000*l.*; and in the present state of the revenue that was too large a sum to be put in danger. In order to obtain the same amount of revenue from the spirits duty as at present, if the period of taking the duty were postponed, it would be necessary then to increase the rate of duty, which would come to very much the same thing. He proposed, then, to continue the period of taking the duty as at present, and to compensate the distiller by placing a duty on colonial spirits equal to the loss on British spirits. In regard to the question as between the British and the colonial producer, he considered that three-farthings a gallon would be a most ample protection for the loss incurred by paying the duty upon the quantity produced at the worm's end rather than when taken out for consumption. Therefore, he considered 1¼*d.* as equivalent to the malt duty, and ¾*d.* as equivalent to all that would be gained by paying the duty on taking out of warehouse, instead of the worm's end. This latter sum he believed would be greatly more advantageous to the distiller in England, considering how little warehousing there was here. Then with regard to the only other point—the excise restrictions—the noble Lord (Lord G. Bentinck) had certainly drawn out a formidable list in his resolutions, when he spoke of increased plant, loss of yeast, raking out of fires, inability to improve the manufacture, and so forth; but when the loss was brought down to actual pounds, shillings, and pence, it did not run up to anything that need alarm the British distiller. The cost of British spirit was calculated at 2*s.* before payment of duty, 1*s.* 6*d.* being the cost of the raw material, and

6*d.* the cost of manufacture; the excise restrictions might to some extent interfere with the process of manufacture, but, as he believed, to a much less extent than was commonly supposed; and in some instances the excise interference was not without its utility as a protection to the distiller himself. But suppose that out of this 6*d.*, 2*d.* were to be allowed for excise restrictions, surely that would be more than almost any one would be disposed to set down as really attributable to that head. Of course, when Gentlemen were making statements to prove their own case, they were apt, without intending unfairness, to put as strongly as possible the points they thought favourable to them; and there were some remarkable instances of this in the mode in which the claim of the distillers had been shaped. There was, for example, the 3½*d.* for decrease, which he had shown to be not so much as a halfpenny. Two years ago a printed statement was put into his hand of the cost of rectification, and a similar statement was inserted in page 180 of the noble Lord's draught report; it gave 6*d.* as "extra expense in rectifying, in consequence of the law;" and only two pages before there appeared an estimate in which it had dwindled to 3*d.*—one or other of those estimates must have been very loose. Two or three years ago it was charged at 10*d.*, and then at 8*d.*; so that he (the Chancellor of the Exchequer) was warranted in saying that the statements made on the part of those who preferred this claim were not quite made with that accuracy which was desirable for forming a just estimate respecting their expenses. There was one rather laughable statement, to which he would call the attention of the noble Lord (Lord G. Bentinck). He held in his hand a paper which he would lay on the table in the course of the evening, that the House might see it. A witness stated before the Committee, that the loss by decrease upon four casks of spirits imported from Scotland to London came to ¾*d.* 53-100ths per gallon; the Chairman of Excise was a little astonished at this, seeing that he had stated the loss on importation at ¼*d.* 92-100ths; he was led to suppose that it must have been a singular case in which so much loss took place, and that there were circumstances which rendered that importation liable to a greater loss than ordinary. In order to verify the statement, the Chairman took the deficiency upon other quantities imported by the same parties, Messrs. Twiss and Browning, about the same time; and he found that upon twenty casks of Scotch spirits imported by them from Leith four days before, namely, on the 23rd of March, 1848, the actual loss amounted to 19-100ths of a farthing; and on twenty casks, on the 31st of March, the loss was 43-100ths of a farthing; in both cases it was far less than the loss allowed by the Chairman of Excise as the average. To make the matter certain it was ascertained that the average loss on 9,591 casks of spirits imported into London from Scotland and Ireland from April 6, 1847, to April 5, 1848, was exactly ¼*d.* 42-100ths per gallon, which was also less than the Chairman of Excise had allowed by 50-100ths of a farthing. Mr. Browning might be right enough as to the particular case he mentioned; but at any rate it showed how very little single cases were to be depended upon in forming an average. Now, with regard to this question of the amount to be set down to excise restrictions, he did not think, if the whole cost of manufacturing spirits was 6*d.* a gallon, that any man would say that more than a third of that was due to those restrictions; but he found, from page 83 of the sixth report of the Committee on Sugar and Coffee Planting, that a statement had been sent into the Excise (entirely for another purpose than that of showing the expense) by Mr. Patrick Chambers, a distiller at Wishaw, a highly respectable man, upon whose statements reliance might be placed; and he gave the quantity of barley consumed, the quantity of proof spirits produced, and the whole expense of manufacturing spirits, and the result showed was, that the net charges, including the expense of making malt, amounted to 3¾*d.* per gallon. The statement being made for another purpose was less likely to be coloured than a statement put in to prove a particular calculation or case. But would anybody, calmly considering the subject, say that of 3¾*d.* cost of making, more than half, namely, 2*d.*, was produced by excise regulations? He (the Chancellor of the Exchequer) proposed to allow 2*d.* for the whole claim in respect of excise regulations; and even taking the statement of the cost at 6*d.*, and still more, if it were taken at the calculation of this party, that must surely be a fair allowance. He saw no other ground upon which the distillers could claim protection against colonial spirits. If price was looked to, there was no such great advantage in the price of rum. The noble Lord's report stated the average price of three qualities of whisky to be 2*s.* 2½*d.*; and the average of rum 2*s.* 4½*d.* In ordinary years the introduction of rum was not likely to have any material effect upon the large quantity of spirits produced in this country. With respect to the question of revenue, the loss would be about 62,500*l.*; but we might calculate on an increased consumption. 150,000 gallons in England would suffice, or 350,000, supposing it all in Scotland, or 400,000 in Ireland; but he hoped the increase would be a great deal more, for the sake of the West India interest. He believed the interests of the producer and the consumer were alike consulted by the measure he proposed; and he thought he had shown that a differential duty of 4*d.* upon colonial spirits, due partly to the malt duty, partly to decrease, and partly to excise restrictions, would be at least adequate to the disadvantages under which the British distiller was placed. The principle upon which the Government proposed to proceed was this—that so far as legislative enactments went, the producer in the colony and the producer in this country should some into the market upon equal terms; and that, he believed, would be effected by the proposal he had now the honour to submit. He had only further to put into the Chairman's hands a formal resolution, the effect of which was that, instead of the present differential duty of 9*d.*, a differential duty of 4*d.* per gallon be imposed upon British colonial spirits.

Resolution put—

"That, in lieu of the Duties now chargeable, there be levied," &c.

Mr. W. T. FAGAN considered the proposal of the Chancellor of the Exchequer very unfair towards the home producer of spirits. If the distilling interest in this country, and particularly in Ireland, were to be affected by the spread of temperance, or even by raising the duty on spirits so as to lessen consumption, he, for one, would approve of such a result; but when he found that the effect of the present measure would be to introduce, to a greater extent than hitherto into this country and Ireland, a deleterious and seductive spirit, he confessed he could not go along with the right hon. Gentleman in congratulating the consumer upon it. He found that, in 1846, the consumption of rum in Ireland amounted only to 14,000 gallons; while last year, with a differential duty of 9*d.*, the consumption amounted to 176,000 gallons; and he believed it was still gradually increasing. He thought, therefore, that the manufacturer of British spirits, and particularly the Irish manufacturer, had very great cause of complaint when he perceived that his interests were to be sacrificed to the carrying out of a measure proposed by Her Majesty's Government (referring to the Sugar Duties Bill), which gave satisfaction to no party. He thought the home producer had reason to complain, not precisely of a breach of faith, although it was certainly something like it; inasmuch as he broke through what was understood to be the settlement of the question in 1847, when, notwithstanding his own opinion that 6*d.* would be a fair and just protection, the Chancellor of the Exchequer had, after various negotiations with the distillers, fixed the amount at 9*d.* per gallon. The unwarranted change now proposed, amounted, in his judgment, to something very close to a breach of faith. He admitted there must be excise restrictions, and there must be consequent expenses. This being so, he contended there must be something in the shape of protection; but, then, the question was as to the fair amount of that protection. He would follow the right hon. Gentleman through his calculations to show that they were, in many instances, erroneous, and that, therefore, the right hon. Gentleman's amount of protection was also wrong. He would take the case of malt. The right hon. Gentleman had not placed his calculation high enough in this respect; the right hon. Gentleman only allowed 1½*d.*, while the Irish distillers conceived they were fairly entitled to have 2½*d.* The next item was only casually glanced at, namely, loss for distilling and brewing. The use of acids, not now permitted by the excise laws, would give 4 or 5 per cent more of saccharine matter. These circumstances ought to be considered and allowed for. Then, as to the process of rectification, it was alleged that the Irish distillers had no claim on this head. But this was a mistake. The Irish distillers did not rectify so highly, but they distilled the spirits which were consumed, twice; and this, to some extent, was a species of rectification. There ought to be an allowance on that ground. Then, with reference to the decreases, the right hon. Gentleman appeared to have no difficulty. Indeed, there was no difficulty in the question, as justice required that the foreign and British distiller should be put on the same footing. But the foreign producer had an advantage in the item of decreases to the extent of 3½*d.*—which amount the British distillers were perfectly right in adding to their claim for protection. The mode adopted by the right hon. Gentleman on this question was neither fair nor just. From all the information he had received from distillers, he was satisfied that the amount of decreases was at least $1\frac{1}{2}d.$ per gallon. This amount, added to $7\frac{1}{2}d.$ per gallon, which the Irish distillers, on other grounds, claimed as a fair protection, made a total of 9*d.*, which, he asserted, ought to be the differential duty between British and colonial spirits. It was upon the statement of Mr. Wood, the Chairman of Excise, that the Chancellor of the Exchequer came down and proposed a differential duty of 4*d.* instead of 9*d.*, which he believed was the proper sum. Mr. Wood had given his opinion in favour of a differential duty of 4*d.*, and had in his evidence stated that the disadvantages of excise restrictions were by no means so great as to warrant a differential duty even of 6*d.* When they considered, however, the great expense incurred by the Irish distillers—the necessity of damping fires more than 500 times in the course of a year—the obligation to purchase yeast, which was afterwards thrown into the gutter, they would agree in the able report made by the noble Lord opposite, that the differential duty at present maintained could not be diminished with justice to the distillers. Under these circumstances, he would move that the Chairman do leave the chair.

Captain JONES said, that he did not rise to support the Amendment moved by the hon. Member, although he agreed with him in the observations he had made. He believed that if this measure was carried in conjunction with other measures proposed by Her Majesty's Government, great injustice would be done to the distillers. In the year 1842, when an additional duty of 1*s.* per gallon was put upon Irish spirits, he had told the Government that they would lose money. Previous to the imposition of that duty the distillers had been enabled to produce good spirit at so low a price as to give the illicit distiller little or no advantage; but this increased duty gave an encouragement to illicit distillation, and in the end reduced the duty received by the Chancellor of the Exchequer. By running into the opposite extreme, they would do as much injury, without benefiting the public in any material degree. If the Government wished to prevent illicit distillation, and prevent crime, even of murder, they would, to a certain extent, reduce the duty on spirit, and thus ensure the prosperity of this branch of manufacture. Their present course of legislation would give a final blow to the manufacture of spirit in Ireland.

Mr. REYNOLDS said, that the community which he represented contained many individuals who were deeply interested in the manufacture of spirits. Looking to the welfare of these individuals and the trade generally, he had hoped that the Government would have placed the Irish distiller on the same footing with the colonial distiller, as regarded reasonable allowance to be made for waste and natural evaporation. By this measure the West Indian interest would gain an advantage of 5*d.* beyond what it enjoyed before. He protested against the change in the name of the agricultural interest, for it was as much an agriculturist's as a distiller's question; it was, in fact, a battle between sugar and oats. The duty of 9*d.* was held out as a final measure, and ought to be maintained. It must not be forgotten that the colonist was exempt from the harass and annoyance of excise regulations to which the English, Scotch, and Irish distillers were exposed, to whom, by way of an additional expense, no allowance was made for loss by leakage and evaporation. He claimed some consideration on behalf of Ireland, if it were but for her disinterested support of the measures of free trade, in the advantages of which, as an agricultural country, she was unable to participate. He called upon the Committee to pause before it put the broad stamp of its approval on the measure before them; and hoped that the Chairman would be allowed to report progress, and ask leave to sit again. He declared that he was actuated by no spirit of jealousy towards the colonies, though he could not but regard them as a drag on the mother country. They had gone so long on crutches that they would probably never be able to do without them. At all events, however, let them not, in watching over their interests, shut their eyes and ears to the claims of that country which had been called the right arm of England.

Mr. BARKLY would not have addressed the House had it not been for the course adopted by hon. Members from Ireland. But he must say that the measure of the right hon. the Chancellor of the Exchequer fell short of the measure to which the West Indies were entitled in regard to an equality of duties. There was a market in this country for the spirits produced in those colonies; and the differential duty was, therefore, taken out of the pockets of the colonial producers. Were the proposed reduction not carried out, the position of the West India planter, bad as it was, would be rendered worse; and he strongly deprecated the rejection of a measure favourable to those colonies, which had already suffered so severely, for the advantage of any interest such as that represented by the hon. Member for Dublin. He was of opinion that the Irish and Scotch distillers were at present in a condition to compete with the colonies. It appeared from a pamphlet which he held in his hand, that the hush money paid by eight or ten English distillers to Scotch distillers amounted in one year to 150,000*l.* or 200,000*l.* That showed that the Scotch distillers were able to enter into competition with the English. He would accept the measure of the Chancellor of the Exchequer as an instalment due to the colonies.

Lord G. BENTINCK: I can assure you, Sir, I never heard any complaint from any of the barley growers of Norfolk on the subject of the rum and spirit duties. At all events, I am not the representative of Norfolk, but of the commercial borough of King's Lynn; and, therefore, whatever judgment I may come to upon this subject, there is no man in the House more disinterested, or who can have a greater desire to arrive at the truth than I have. The hon. Gentleman who has just sat down has quoted from an anonymous pamphlet, in which it is stated that from 150,000*l.* to 200,000*l.* a year is paid by the English distillers to the Scotch distillers as hush money. If the hon. Gentleman is so credulous, I am not surprised at the speech he has made to-night. I think no other Gentleman in the House could be so credulous as to believe that the six distillers in England paid 150,000*l.* or 200,000*l.* a year to the distillers in Scotland. But an hon. Gentleman has told you that I cross-examined Mr. J. Wood for nearly four hours. I certainly did cross-examine him, and rather sharply, too, though not for four hours. I shall now state to the House what Mr. John Wood's own opinion of his evidence is. He says—

> "With regard to the decreases, those, I take it, are matters of fact. A great deal of the evidence I have given is, of course, matter of opinion, and, I hope, will be taken by the Committee, and those before whom the evidence may come, with a considerable allowance, because it is mere matter of opinion."

At another time he says that all he states, except as regards those matters of fact, he states with the greatest diffidence. As Chairman of the Excise he had the privilege—and I did not interfere with that privilege—of having a prompter at his elbow, who whispered in his ear the answers he was to give to the Committee. It it quite true that I did cross-examine Mr. John Wood as to his matters of fact, because Mr. John Wood took upon himself to arraign the evidence and impeach the statements of all the distillers of England and Scotland. He presumed to say that they made exaggerated statements. Having declared that the decreases alleged on the part of distillers were decreases for which allowance was made, Mr. John Wood, a gentleman of station, and whose veracity we could not attempt to deny, said the decreases they made, instead of being worth 4*d.*, were only worth ½*d.* Having remarked that he made this statement with diffidence, he applied a rule-of-three test to the decreases, and said—

> "I find that, as 4*d.* is to 1*d.*, so is 3*d.* to ¾*d.*, and, therefore, instead of allowing the 3*d.*, I should be much inclined to say that 1*d.* was the utmost that can be made out as the value or cost, to a distiller, of the excise restrictions."

This was Mr. John Wood's mode of dealing with the subject of restrictions on the Excise, and anything more theoretical to come from a Chairman of Excise I never heard propounded. That statement was denied on the part of the distillers, and they came well out of the ordeal. The distillers stated the decrease on spirits *in transitu* in Scotland to be 114 hundredths of a gallon per cent. The excisemen in their gauge stated the decrease at 32 hundredths. Comparing the gauging of the Excise and the gauging of the trade, there appeared a difference of four to one. The whole question, then, turns upon who is right. Before the Committee came to a conclusion, Mr. John Wood was obliged to send in for papers correcting his evidence; and then it was admitted that, according to the mode of gauging for the Customs, the trade were not so very far wrong, for, instead of being 114 hundredths to the gallon per cent, as they had stated, they were 111 hundredths per cent. The man who diminished the truth by 75 per cent was found to be Mr. John Wood, the Chairman of the Excise. Is the trade to be trusted, who only differed from the Customs by 3 hundredths in 114, or Mr. John Wood, the Chairman of the Excise, who tells you that the decrease is only

32 hundredths of a gallon, when, according to the Customs, it is 111 hundredths? The Chairman of the Excise then gave us an example of a gauging by the Excise, in which a still less decrease had taken place; and this measurement was taken upon various cargoes imported at the same time as those on which his former statement was based. But, let me ask, why did not Mr. John Wood, the Chairman of the Excise, make that statement to the Committee when we could have tested its truth by cross-examining him? No, Sir, this was kept for the House of Commons, where it cannot be tested. Where you have had an opportunity of testing the truth of the statements of the Excise, there you are able to show that the trade was right, and the Excise wrong. But, Sir, the right hon. Gentleman said that this cargo of the *Royal Victoria* was a remarkable cargo; but there was nothing remarkable in the cargo at all except that in the original account given by the Excise they showed the decrease to be less than the average decrease admitted by the Chairman of Excise upon the large quantities. The decrease, as measured originally by the Excise, was only 32 hundredths in the gallon, but it turned out to be 110 hundredths; and the result is, that the decreases are very nearly threefold what they were admitted to be by the Chairman of Excise. But the peculiarity in this case, as the Chairman of the Excise explains, is, that the decreases in the cargoes of spirits by the *Royal Victoria* were attributable to the heat produced by the steam used in that vessel. Why, it is not necessary that I should refer to the report. Every Gentleman who knows the character of spirits, knows that spirits do not contract, but expand under the influence of heat. Therefore you have here Mr. John Wood, the Chairman of the Excise, acknowledging that while he gives a mere opinion upon the value of restriction, his opinion is not worth a great deal; and you have it proved to demonstration that while he speaks of matters of fact he is wrong to the extent of three to one. Well, then, Sir, if this be so, I think we are entitled to place some reliance on the statements of these distillers. But, Sir, the right hon. Gentleman the Chancellor of the Exchequer, and the hon. Gentleman the Member for Leominster, have both admitted that we are entitled to assume that the malt distiller and the raw corn distiller are on an equal footing. But that is my case. Admit that once to me, and I have no difficulty whatever in showing to you what disadvantage the corn distiller will labour under as regards the revenue if this proposition is carried; for I can show you, by a demonstration which anybody who can count five on his fingers can understand, that the malt distiller pays a much higher duty than the corn distiller. I know there are some Gentlemen who say that because the Scotch distiller pays the duty at twice, that is to say, because he pays 1*s*. 4¼*d*. out of one pocket as duty on malt, and 7*s*. 10*d*. out of a different pocket as the duty upon spirits, that you have no right to think anything about the malt duty. But I think no man of any sense will propound such an argument as that in this House. And, therefore, it is quite clear that the malt distiller of Scotland, for sending his raw spirits to England, or the malt distiller of England (or the barley grower of Norfolk, if the hon. Gentleman is determined to state the case in that way) pays 7*s*. 10*d*. spirit duty, and 1*s*. 4*d*. malt duty, or 9*s*. 2¼*d*. in the whole, while the corn distiller pays only 8*s*. 7*d*. Now, it is very easy for any hon. Gentleman to calculate and understand the difference. It is impossible for any man to dispute that the malt distiller of England or of Scotland pays already 7¼*d*. more duty than the rum distiller; and if you reduce the duty on rum 5*d*. more, he will pay just 1*s*. 0¼*d*. more duty than the rum distiller. In Scotland, half the malt duty is returned as drawback to the malt distiller if the spirits are sent to England; consequently, the difference in Scotland is 8⅛*d*. less than it is in England. The result of this will be, that if your present proposition passes, the malt distiller in Scotland will pay absolutely 4*d*. more than the rum distiller. And the same case applies to the malt distiller in Ireland, The result, then, of your measure, if it pass, will be, that in England the malt distiller will pay 1*s*. 0¼*d*. more duty than the rum distiller; and in Scotland and Ireland he will pay 4*d*. more duty. Well, then, if you admit to me, as the hon. Gentleman the Member for Leominster, and the right hon. Gentleman the Chancellor of the Exchequer, have both declared, that the malt distiller and the raw corn distiller are practically upon an equality, it is quite clear that the raw corn distiller will be under the same disadvantages that the malt distiller is—things that are equal to the same thing being, as the hon. Gentleman said, and as we all know, equal

to one another. I have shown you that the malt distiller is by this plan under a manifest disadvantage, and the raw corn distiller in England will have to pay an additional duty of 1*s.* 0¼*d.* and of 4¼*d.* in Scotland and Ireland. But then they tell you that the malt distiller can well afford to pay the additional duty. The malt distiller does compete with the raw corn distiller in Scotland; but you will see that for the last six years the malt distiller has been gradually losing ground in the race—that in the course of the last six or seven years I think the consumption of malt whisky has fallen off nearly a million gallons, whilst the consumption of raw grain spirits has increased in like proportion; which is pretty clear evidence that it is a very hard race between them. But we now come to the question of value. The hon. Gentleman says, and so said the right hon. Gentleman the Chancellor of the Exchequer, that it is true that they paid higher duty upon raw spirits; but they satisfied the tastes of the consumers better, and they fetched a better price. But let us see what is the price which they fetch, as compared with rum, and if I show to you that the price of malt spirits is lower than the price of rum, while your duty on malt spirits is considerably higher than your duty upon rum, you must admit that the duty is higher than it ought to be. The right hon. Gentleman the Chancellor of the Exchequer quoted from the report which I had the honour of submitting to the Committee on this question, and he made a calculation from it, to the effect that, upon an average, the price of malt spirits in Scotland was 2*s.* 8*d.* Now, I think that that statement of the right hon. Gentleman was rather disingenuous, and I will tell you why. The report of the Committee was printed and presented, as the right hon. Gentleman knows, on the 3rd of May; but, after that date, on the 8th of May, a letter was addressed to me, and which did not reach me until the 10th, stating that I had made a mistake altogether in the prices of the Scotch spirits, because, although it was true that there was Highland whisky sold at the prices stated, yet the whisky sold at the high prices quoted only bore the proportion of one gallon in twenty, and consequently instead of taking 2*s.* 8*d.* as the average price of whisky, I ought to set it down at 2*s.* 1*d.* That letter was subsequently appended to the report of the Committee, but the Chancellor of the Exchequer totally overlooked it; and omitted to explain that 2*s.* 1*d.*, and not 2*s.* 8*d.*, was the sum upon which the *ad valorem* duty should be assessed. Well, this is the way the matter stands. The duties now are on malt spirits, 9*s.* 2¼*d.* in England; on rum, 8*s.* 7*d.*; in Scotland, 4*s.* 4½*d.* on malt spirits, on rum 4*s.* 5*d.*; and in Ireland the duties are 4*s.* 0¼*d.*, and on rum 3*s.* 5*d.* But the new duties are to be—in England 9*s.* 2¼*d.* on malt spirits, 8*s.* 2*d.* on rum; in Scotland, 4*s.* 4¼*d.*, and on rum 4*s.*; in Ireland, 4*s.* 0¼*d.* on malt spirits, and 3*s.* on rum. Well, then, we come to the raw grain spirits; they are 7*s.* 10*d.* in England, 3*s.* 8*d.* in Scotland, and 2*s.* 8*d.* in Ireland; to which 1½*d.* is to be added also for malt duty, making the duty 7*s.* 11½*d.*, 3*s.* 9½*d.*, and 2*s.* 9½*d.*, respectively, in England, Scotland, and Ireland. Now let me call the attention of the House to the effect of these *ad valorem* duties; and I take the case of good Scotch whisky, of which the price is 1*s.* 11*d.*, being the instance given by Mr. Greene before the Committee. The duty in England is 9*s.* 2¼*d.*, and in Scotland 4*s.* 4¼*d.*; so that the *ad valorem* duty upon good Scotch whisky is 480 per cent in England, and 227 per cent in Scotland. On Jamaica rum, of which the price is 3*s.* 3¼*d.*, according to the statement of Mr. Greene (which I think will not be disputed by the hon. Member for Leominster), the duty in England is 8*s.* 7*d.*, and in Scotland 4*s.* 5*d.*; but if you allow 3½*d.* for the decrease, which cannot be disputed, the result will be that the *ad valorem* burden shows a duty of 280 per cent on rum in England, against 480 per cent of a burden on Scotch whisky in England; and 144 per cent against 224 per cent *ad valorem* on Scotch whisky in Scotland. I now come to the English raw grain spirits. The duty on the 28th of April last was 7*s.* 11½*d.* in England, and 3*s.* 9½*d.* in Scotland, and the prices at that time were raised 3*d.* a gallon. The result is that the *ad valorem* duty is 160 per cent in Scotland, against 280 per cent. But, Sir, there is another point of view in which this question may be viewed; and as the hon. Gentleman the Member for Leominster voted for that measure as it was brought in by Sir Robert Peel's Government—as it was introduced and framed, I believe, by the right hon. Gentleman the late Chancellor of the Exchequer, the Member for the University of Cambridge (Mr. Goulburn)—I think I may appeal with some force to what is called the Channel Islands. With regard to the Channel

Islands there is an Act for distillation, the preamble of which sets forth that it was deemed requisite to determine by Act of Parliament what were the proper countervailing duties that should be imposed with respect to it. Now this was a remarkable circumstance; this Act passed in 1845, after the corn law of 1842 had been three years in operation. The average duty paid upon barley, was, I believe, 5*s.* 11*d.*; and I pray the House to attend to this preamble, for I dare say the right hon. Gentleman the framer of this Act, who is now free from the trammels of Government, and is able to vote and speak as a sugar planter to-night, will forget the obligations of the late Government, and we shall hear him advocate to-night the reduction of the differential duties of this his own preamble. The preamble concluded as follows:—

> "It is necessary, therefore, to determine the same [fitting countervailing duties] by the imposition of a differential duty of 1*s.* 2*d.* upon spirits the produce of the Channel Islands."

So, here we have the Government of Sir Robert Peel, in the year 1845, in the person of the right hon. Gentleman the late Chancellor of the Exchequer, contriving to bring in a Bill to settle this great question, and inserting in the preamble of their Bill a clause, if not setting forth the motives of the arrangement, at least distinctly stating that it was fitting that the countervailing burdens in the case of the Channel Islands should be met by a 1*s.* 2*d.* differential duty. Now, Sir, I do not pretend to answer for the votes of any Gentleman in this House, or account for any changes of opinion; but there must be a great revolution in the opinion of the right hon. Gentleman the late Chancellor of the Exchequer between the time when he was in office, a servant of the public, and now, when he is free to act as he pleases—to support, if he can, this proposition to reduce that differential duty imposed by this Act, from 1*s.* 2*d.* to 4*d.* Sir, it will be argued by the right hon. Gentleman, that the average duty upon barley is 5*s.* 11*d.*, and that that must be taken as a part of the countervailing duty, because no duty is paid upon it in the Channel Islands. But when the distillers claimed 1*s.* 2*d.* as a set-off, it was 1*s.* When the right hon. Gentleman came to the one shilling duty on barley, the right hon. Gentleman the Chancellor of the Exchequer says, "I agree entirely with the noble Lord the Member for King's Lynn, that the one shilling duty cannot be taken into account—that is no charge upon the distiller." So, here we have this avowal of the Chancellor of the Exchequer, that the duties on corn are paid by the foreigner. That is what I always insisted on; and, therefore, when the right hon. Gentleman takes a leaf out of my book, when I am talking about rum I may be permitted to remind him of this avowal on future occasions, when I am discussing these financial questions, that the duty on foreign imports is paid by the foreigner and not by the consumer in this country. I listened with great pleasure to the speech of the hon. Gentleman the Member for Dublin. He took great credit to himself, and great credit to the Irish Members, that in repealing the corn laws two years ago, they had, for the sake of the manufacturers of England, inflicted on themselves a burden amounting to 3,000,000*l.* annually, and, therefore, he argued that the Irish Members and Irish people were entitled to great mercy from the House of Commons for this voluntary sacrifice. But the hon. Gentleman ought to know that from the protectionist party — from the hon. Gentlemen around me, they are not entitled to any mercy at all. How does the case stand? Why, that about 28 only out of 105 Irish Members tried to ward off from Ireland that heavy blow, by which a loss of 3,000,000*l.* annually was inflicted in perpetuity. I was one of those who used an humble endeavour to dissuade the Irish Members from taking this fatal step; but in vain. So do not let the Irish Members come to us now and tell us that Ireland was the country which suffered first and heaviest from the repeal of the corn laws. Let them not come and ask us English Gentlemen for money because you, Irish Members, in the earnestness to carry out a theory and to support a Government, forgot the interests of your own country. No, Sir, there will be no mercy from this side of the House upon those grounds. The only mercy that I can conceive could be shown to Ireland would be, if some omnipotent power would altogether change its representation. Without that, I see no hope of rescuing a country whose Members imposed upon it a burden of 3,000,000*l.* a year in perpetuity, in order to please the Government of the day. But, Sir, with regard to the question immediately before the House, I avow that neither the Irish distillers, nor the Scotch distillers, nor the British distillers, nor any sect or party in this country, have my sympathies. My wishes do not lean to one side or the other; all I wish to see is justice fairly and impartially dealt out to all. I wish to see this question, like all others, tried upon its real merits, and a real not a merely nominal equality established. For instance, no man feels more strongly than I do that the West Indies has been through our own policy brought to beggary and ruin; but I will not seek to retrieve them at the expense of any other class. I will not sit in this House to set one class against another, nor help the planters in the Mauritius and West Indies to prey upon the English, Scotch, and Irish distillers. If justice is to be done at all let it be done in a fair and open way, and let us not endeavour to shift the burden upon the British distillers. But it has always been a part of the Government policy to set class against class. As regards the effect which those duties would have upon the West Indies, there was a letter addressed by Mr. Greene to the Chancellor of the Exchequer; it will not be denied that Mr. Greene is the very highest authority upon this question, yet he thought that the great boon which the hon. Member for Westbury (Mr. Wilson) said was equal to 1*s.* 6*d.* per cwt. weight upon sugar was (and he proved it to demonstration) only equal to threepence-farthing per cwt. in sugar to the West Indies, to the East Indies one penny and three-eighths, and that to the Mauritius the great boon did not exceed two-fifths of a penny. How any person can come to a different conclusion from that of Mr. Greene I am at a loss to understand, unless he assume that the West Indies are to get the whole duty. The hon. Member for Leominster (Mr. Barkly), thinks the planter will get the whole duty; and here I must say, that as far as the West Indian question is concerned, I do not know any Member that has done more mischief than the hon. Member, for his speech furnished the only peg upon which hon. Gentlemen opposite could hang an argument. The hon. Gentleman agreed that if a differential duty of 10*s.* were to be imposed for more than two or three years, the planters would not get the benefit of it, but the labourer. Now I should like to ask the hon. Gentleman how he draws the line of distinction between the permanent differential duty on sugar, and the permanent differential duty on rum. Does he think that the Creoles will not find out that the West Indians obtained that great boon from the reduction of the differential duty on rum which the hon. Gentleman the Member for Worthing promises? If the argument upon which the Government relies be that the negroes will demand higher wages in cases of a permanent differential duty in favour of colonial sugar, then I think that argument equally applies to the case of rum. It is true that when the report of the Committee upon this subject was drawn up, there was understood to be a majority upon the Committee in favour of a differential duty of 10*s.* upon sugar. It is also true that colonial sugar then went up 2*s.* per cwt., and that foreign sugar fell 1*s.* 6*d.*; but I never heard that the recommendation of the Chairman, which was rejected by a majority of nine to five, had an effect upon the price of rum, which since then has had a downward tendency. But with respect to this question, and the boon which the West Indies are to gain, hon. Gentlemen ought to know that they cannot have more of the cat than the skin, and that if the whole amount of the boon is to be 65,000*l.*, that 65,000*l.* is to be divided between the East Indies, the West Indies, and the Mauritius: in the opinion of Mr. Greene the amount of such boon is not greater than 43,000*l.* Now, Sir, I have shown the House that this boon, of which so much has been said, is almost valueless. I have shown that the distillers are already under great disadvantages; and I maintain again that you have no right to oppress the British distillers because they may happen to be a wealthier or a poorer class than the West Indian planters, in order to benefit any party, or class, or section of Her Majesty's subjects. You ought to deal out justice to all parties without favour or affection. I say once more that I will never, whilst I have the honour of a seat in this House, advocate the interests of any one class against another, and that I will never countenance the principle that English, Irish, and Scotch are to be burdened and oppressed in order to benefit their fellow-subjects on the other side of the Indian seas; or that the West Indians are upon the other hand to be unjustly burdened for the sake of any class in these islands. But I defy any man to show that if the duties are altered, the duty will then be fairly assessed between the British distillers on the one side, and the West Indians on the other. If the West Indian deserves and needs compensation, give it to him fairly and honestly—give it to him not at the cost of his fellow-subjects, but give him compensation at the cost of the slave-traders and slave planters in Cuba and in Brazil.

Mr. GOULBURN did not advocate the measure proposed by the right hon. Gentleman the Chancellor of the Exchequer, because he looked upon it as a compensation given to the West Indians for the losses they had sustained; but he advocated the proposition because he believed it was a just settlement between two classes of their fellow-subjects who produced similar articles, and had a right to stand on the same footing. The question for the House was one which was to be decided by a calculation of the duties and restrictions imposed upon the two articles which were the subjects of legislation; and he entertained the opinion that the right hon. Gentleman had made on the whole a fair calculation upon the subject. If he had any objection to that calculation, it was this—that the right hon. Gentleman was in favour of the British distillers. With regard to the difficulty imposed upon the British distillers by the restrictions of the Excise, he could not agree altogether in the opinion expressed by the right hon. Gentleman the Chancellor of the Exchequer. It must certainly be admitted that the effect of the collection of the excise duty upon the manufacture of an article, is, in some respects, calculated to produce inconvenience to the manufacturer; but there are some respects in which it is of the greatest advantage to a manufacturer to have the supervision of the Excise, and in no article is that more observable than in the article of spirits. The Excise supervision gave an additional guard to the proprietor of the manufactory against the frauds which could be so easily committed by the servants he employed in that manufactory. The Government was protected from the abstraction of a quart of spirits, on which they were entitled to receive duty; but, at the same time the manufacturer was guarded from the frauds that might be committed upon him by those who possibly might be inclined to abstract gallons if no duty were charged upon it. He knew it was said that a great hardship was inflicted upon the distillers by the penalties that were imposed upon every step they took in the manufacture of spirits; but it should be recollected that these penalties were not frequently exacted, but were held out *in terrorem*, to protect the honest trader from the fraudulent one. He begged, in support of his view of the subject, to call the attention of the House to the state of the soap duties in this country. The soap excise duty is $1\frac{1}{2}d.$ per lb. on hard soap, and $1d.$ per lb. on soft soap. And what was the regulation with regard to the soap of the British colonies? They imposed a duty of $1\frac{1}{2}d.$ on hard soap, and only $1d.$ on soft soap; precisely the amount of duty levied in this country, not taking into consideration in any degree the restrictions which the Excise imposed on the manufacturer in this country; and he never yet heard it complained of any manufacturer of soap in this country that he was likely to be ruined by the competition of Canada, or Nova Scotia, or New Brunswick. But look how the matter stood with respect to Ireland. In Ireland there was no soap duty at all—there was no restriction on the manufacturer—he had every advantage possessed by the manufacturer in this country. The commodities and labour were cheaper; and was there any countervailing duty imposed upon him? The Irish were permitted to introduce their soap at a duty of $1\frac{1}{2}d.$ for hard soap, and of $1d.$ for soft soap; and what was the consequence? Did Ireland overflow this country with soap? No; but England sent into Ireland a very great quantity of soap every year. When they had to deal with West India rum, was it right that the excise restrictions were to be made a subject for compensation? Did the right hon. Gentleman think that the restrictions upon soap were less than the restrictions upon spirits? Did they ever hear of the enormous penalties imposed in every stage of the soap manufacture? A man could not open a copper without leave, and the penalties were far more severe than those imposed on spirits. He would next refer to the question of the decreases; and he must say that he differed from the opinion expressed by the noble Lord with respect to the conduct of the Chairman of Excise, who was examined by the Committee on Sugar. The noble Lord said the evidence of the Chairman of Excise was to be taken as nothing, because he expressed himself diffidently. [Lord George Bentinck had stated that the Chairman of the Excise had expressed himself diffidently as to his opinion upon the restrictions, but most positively upon certain matters of fact, and that on all those matters of fact he was wrong four cases to one.] He considered that the man who expressed himself with diffidence, and admitted that he found it difficult to ascertain the exact amount of decrease, was the man of all others on whom they should be most inclined to rely; and that was exactly (on matters of opinion) what had been done by the Chairman of the Excise. The noble Lord said the Chairman of the Excise had the assistance of an attendant who was whispering in his ear; but they all knew perfectly well that all questions connected with distillers were best understood by those who conducted the practical operations of distilleries; and in every instance he had attended of a Committee in which the Excise business was the subject of discussion, the Surveyor General or some inferior officer of Excise was in attendance to assist the Chairman. What they maintained was this, that, taking the whole course for a long period, on which alone an average could be ascertained, the amount was less than was allowed by the Chairman of the Excise and by the Chancellor of the Exchequer. He would say, therefore, that, allowing for the leakage, there was no ground for objecting to the resolution of the Chancellor of the Exchequer as between the distillers in the colonies and in this country. His own views on the question of rum and British spirits had been known ever since 1830, when he proposed his measure for the reduction of the duties on rum. The noble Lord had objected to his hon. Friend the Member for Leominster, for having quoted an anonymous pamphlet; but the part which his hon. Friend quoted was word for word the report of the Commission that had been appointed by the Crown on this subject. It had been said also, that they had paid too much attention to the views of the Commissioners of Excise; but if there were any party who should be more jealous of the Commissioners of Excise than another, it was the colonial producer, because the part of their labour which the Excise Commissioners found most satisfactory was clearly the collection of the duty on English spirits, seeing that it was all paid without trouble by eight great houses. He did not wish to occupy the time of the Committee; but before sitting down he must say that he had heard with some regret an expression that had been used by the hon. Member for Dublin. That hon. Gentleman, as representing an Irish constituency, talked throughout his speech of "your colonies." He would maintain that the colonies were as much the property of Ireland as of England—that they were maintained as much for the advantage of Ireland as of this country; and he could not, therefore, consider any benefit conferred on the colonies in any other light than as an advantage conferred on children of the united kingdom who had embarked their capital in cultivation in a distant country. As he regarded the proposition as one based on justice and sound policy, he trusted that it would receive the approbation not only of the House but of the country.

MR. FORBES could not help remembering the arguments used on this question in 1847 by the right hon. Gentleman the Chancellor of the Exchequer, who then proposed a duty of 9*d.*, though he said that 7*d.* would be strict justice. The noble Lord had stated that the Chairman of the Excise had fenced with the question; but he thought that a man who did so had some fixed view to maintain, and the Chairman of Excise had shown no symptom of that. He could not conceive how either the present or the late Chancellor of the Exchequer could not approve of a 4*d.* duty, after formerly supporting a duty of 1*s.* 2*d.*

The Committee divided on the question, that the Chairman do leave the chair:—Ayes 75; Noes 168: Majority 93.

List of the AYES.

Anstey, T. C.
Archdall, Capt.
Baldock, E. H.
Bateson, T.
Bentinck, Lord G.
Bentinck, Lord H.
Beresford, W.
Bourke, R. S.
Bouverie, hon. E. P.
Bremridge, R.
Broadley, H.
Buller, Sir J. Y.
Chichester, Lord J. L.
Cole, hon. H. A.
Cowan, C.
Crawford, W. S.
Devereux, J. T.
Dick, Q.
Disraeli, B.
Duncan, G.
Dunne, F. P.
Emlyn, Visct.
Farnham, E. B.
Farrer, J.
Ferguson, Sir R. A.
Floyer, J.
Fox, R. M.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gordon, Adm.
Gore, W. R. O.
Granby, Marq. of
Greene, T.
Grogan, E.
Gwyn, H.
Halsey, T. P.
Hastie, A.
Henley, J. W.
Herbert, H. A.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hudson, G.
Ingestre, Visct.
Jones, Capt.
Keogh, W.
Knox, Col.
Lascelles, hon. E.
Lockhart, W.
Lowther, hon. Col.
M'Cullagh, W. T.
M'Gregor, J.
Manners, Lord G.
Masterman, J.
Monsell, W.
Morgan, O.
Napier, J.
Newdegate, C. N.
Noel, hon. G. J.
Norreys, Sir D. J.
Nugent, Sir P.

O'Brien, Sir L.
O'Connell, M. J.
Reynolds, J.
Sadlier, J.
Scott, hon. F.
Scully, F.
Somerset, Capt.
Spooner, R.
Sturt, H. G.
Sullivan, M.
Tyrell, Sir J. T.
Wawn, J. T.
Wodehouse, E.

TELLERS.

Fagan, W.
Forbes, W.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Anson, hon. Col.
Anson, Visct.
Armstrong, Sir A.
Armstrong, R. B.
Baines, M. T.
Barkly, H.
Baring, rt. hn. Sir F. T.
Bellew, R. M.
Benbow, J.
Berkeley, hon. Capt.
Berkeley, hon. C. F.
Birch, Sir T. B.
Bowring, Dr.
Boyd, J.
Boyle, hon. Col.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, R. D.
Buller, C.
Butler, P. S.
Cardwell, E.
Carew, W. H. P.
Cavendish, hon. C. C.
Cavendish, W. G.
Childers, J. W.
Clay, J.
Clifford, H. M.
Colebrooke, Sir T. E.
Compton, H. C.
Cowper, hon. W. F.
Craig, W. G.
Dalrymple, Capt.
Dashwood, G. H.
Davie, Sir H. R. F.
Deedes, W.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Duckworth, Sir J. T. B.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
East, Sir J. B.
Ebrington, Visct.
Egerton, Sir P.
Elliot, hon. J. E.
Euston, Earl of
Evans, Sir De L.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Foley, J. H. H.
Fortescue, hon. J. W.
Freestun, Col.
Frewen, C. H.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Godson, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Ld. J. F. G.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Henry, A.
Hervey, Lord A.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, P. H.
Howard, Sir R.
Hutt, W.
Inglis, Sir R. H.
Jervis, Sir J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Kershaw, J.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, A. E.
Mackinnon, W. A.
M'Taggart, Sir J.
Marshall, J. G.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Milner, W. M. E.
Mitchell, T. A.
Moody, C. A.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
Ogle, S. C. H.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Capt.
Pennant, hon. Col.
Perfect, R.
Pigott, F.
Pilkington, J.
Pinney, W.
Pugh, D.
Pusey, P.
Raphael, A.
Reid, Col.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Sandars, J.
Seymer, H. K.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Talbot, C. R. M.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. J. F.
Towneley, J.
Towneley, R. G.
Turner, E.
Turner, G. J.
Tynte, Col.
Verney, Sir H.
Vivian, J. H.
Ward, H. G.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hn. Sir C.
Wood, W. P.
Wyld, J.
Wyvill, M.

TELLERS.

Tufnell, H.
Rich, H.

Original question again proposed.

MR. MONSELL moved that the Chairman report progress.

MR. LABOUCHERE deprecated the course of moving adjournments at that hour, which was becoming, not as formerly, the exception, but the rule of the House, to the prevention of business. In the single combat, as it had been designated, which had there taken place between the Chairman of Excise and the noble Lord the Member for Lynn, the whole subject had been gone into in all its details; and again, the House had been discussing it the whole of that night. He hoped the hon. Member for Limerick (Mr. Monsell) would not proceed with his Motion.

MR. SADLIER hoped his hon. Friend (Mr. Monsell) would persist in his Motion. He agreed with the right hon. Gentleman that the question had been fully discussed in the Select Committee, and he regretted that Her Majesty's Government had proposed a measure the contrary of that which the Committee had recommended.

After a lengthened discussion in reference chiefly to a supposed promise made by the Chancellor of the Exchequer to the Irish Members, which the right hon. Gentleman explained was misunderstood and misdescribed, in which he was supported by the Irish Members who had waited on him,

The Committee divided on the question, that the Chairman do now report progress:—Ayes 48; Noes 127: Majority 79.

[It will suffice that we insert the Ayes only of the last of these two divisions.]

On the original question being again put, Colonel DUNNE moved that the Chairman do leave the chair.

The Committee divided: — Ayes 48; Noes 125: Majority 77.

List of the Ayes.

Anstey, T. C.
Archdall, Capt.
Arkwright, G.
Baldock, E. H.
Bentinck, Lord G.
Boyd, J.
Butler, P. S.
Callaghan, D.
Chichester, Lord J. L.
Cole, hon. H. A.
Crawford, W. S.
Devereux, J. T.
Fagan, W.
Floyer, J.
Galway, Visct.
Gaskell, J. M.
Gooch, E. S.
Greene, J.
Gwyn, H.
Halsey, T. P.
Hastie, A.
Hayes, Sir E.
Henley, J. W.
Herbert, H. A.
Hildyard, T. B. T.
Hodgson, W. N.
Hudson, G.
Ingestre, Visct.
Jones, Capt.
Keogh, W.
Knox, Col.
M'Cullagh, W. T.
M'Gregor, J.
Monsell, W.
Norreys, Sir D. J.
Nugent, Sir P.
O'Connell, M. J.
Reynolds, J.
Sadlier, J.
Scott, hon. F.
Scully, F.
Sibthorp, Col.
Spooner, R.
Sullivan, M.
Taylor, T. E.
Tyrell, Sir J. T.
Waddington, H. S.
Wawn, J. T.

TELLERS.
Dunne, Col.
Fox, R. M.

Original question again put, and after some discussion as to the further proceeding then or the next day at noon, part of which took place with closed doors, the Committee divided:—Ayes 116; Noes 37: Majority 79.

List of the Ayes.

Abdy, T. N.
Anson, hon. Col.
Arkwright, G.
Armstrong, R. B.
Baines, M. T.
Barkly, H.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Berkeley, hon. Capt.
Birch, Sir T. B.
Bowring, Dr.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Brown, W.
Buller, C.
Cardwell, E.
Carew, W. H. P.
Cavendish, hon. C. C.
Childers, J. W.
Compton, H. C.
Cowper, hon. W. F.
Craig, W. G.
Dashwood, G. H.
Deedes, W.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Evans, Sir D. L.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Foley, J. H. H.
Freestun, Col.
Frewen, C. H.
Glyn, G. C.
Godson, R.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F.
Hardcastle, J. A.
Hastie, A.
Hawes, B.
Hayter, W. G.
Henry, A.
Hervey, Lord A.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, P. H.
Jervis, Sir J.
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.
Lewis, G. C.
Littleton, hon. E. R.
Lockhart, A. E.
Mackinnon, W. A.
Marshall, J. G.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Milner, W. M. E.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
Ogle, S. C. H.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Capt.
Pigott, F.
Pilkington, J.
Pinney, W.
Raphael, A.
Ricardo, O.
Rice, E. R.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, A.
Sandars, J.
Scholefield, W.
Seymer, H. K.
Shelburne, Earl of
Simeon, J.
Somerville, rt. hon. Sir W.
Spearman, H. J.
Talbot, C. R. M.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Turner, G. J.
Tynte, Col.
Willcox, B. M.
Williams, J.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.
Wyvill, M.

TELLERS.
Tufnell, H.
Rich, H.

List of the Noes.

Anstey, T. C.
Archdall, Capt.
Baldock, E. H.
Bentinck, Lord G.
Butler, P. S.
Callaghan, D.
Chichester, Lord J. L.
Cole, hon. H. A.
Crawford, W. S.
Devereux, J. T.
Duncan, G.
Fagan, W.
Floyer, J.
Fox, R. M.
Galway, Visct.
Greene, J.
Grogan, E.
Halsey, T. P.
Hayes, Sir E.
Herbert, H. A.
Ingestre, Visct.
Jones, Capt.
M'Gregor, J.
Monsell, W.
Norreys, Sir D. J.
Nugent, Sir P.
O'Connell, M. J.
Reynolds, J.
Sadlier, J.
Scott, hon. F.
Scully, F.
Sibthorp, Col.
Sturt, H. G.
Sullivan, M.
Taylor, T. E.
Tyrell, Sir J. T.
Waddington, H. S.

TELLERS.
Dunne, Col.
Keogh, W.

Resolutions agreed to.

House resumed. Report to be received.

House adjourned at a quarter to Three o'clock.

HOUSE OF LORDS,

Tuesday, July 18, 1848.

Minutes.] Public Bills.—1ª Exchange of Advowsons in the Counties of Warwick and Stafford.

Reported.—Appeals on Civil Bills (Dublin).

3ª and passed; Officers of Courts of Justice (Ireland), Assimilation of Appointments.

Petitions Presented. From Billinge and St. Helens, against the Sale of Intoxicating Liquors on Sundays.—By Lord Beaumont, from Members of the Society of Odd Fellows, Manchester Unity, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From Preston, for the Adoption of a System of Secular

Education in the County of Lancaster.—From Merchants and Bankers of the Metropolis, for the Amendment of the Law of Bankruptcy.

FOREIGN SHEEP.

The DUKE of RICHMOND, in moving, according to notice, for a return of the number of Sheep, and the quantity of Wool imported into the United Kingdom in the year 1847, and asking what precautionary measures had been taken by Her Majesty's Government with respect to a contagious disease in sheep, supposed to be of the nature of small-pox, said that the House was aware that in consequence of the tariff of Sir R. Peel, which had so unfortunately, as he thought, been carried through Parliament, foreign sheep and foreign cattle could be brought into this country; and the jusification of that measure was, that the people of England should have their mutton cheap. Well, it was true they had brought in foreign sheep, but with them they had brought in a disease that would destroy more English sheep than the whole number of foreign they were importing. He thought the Government was bound to do their utmost to ascertain all the circumstances of the disease; and for that purpose they should send over some gentleman of the veterinary profession to those places in the north of Germany where the disease appeared to be chiefly prevalent, in order that he might ascertain the symptoms, and the best means of counteracting its effects. He knew that he would be told that the Government had appointed persons to examine the cargoes of sheep imported into this country ; but the custom-house officers could not know whether the sheep were diseased or not. He (the Duke of Richmond) was told that the disease often lay dormant in the animal, and did not show itself for a fortnight. He might be told, too, that the Royal Agricultural Society, or some of the agricultural societies, ought to do what he suggested about ascertaining the cause and cure for the disease; but he denied that. If, indeed, any of them had voted for the tariff, they might be told it was their duty; but they had all opposed it. They said that with the foreign sheep disease would be imported, and their prophecy had been fulfilled. He, therefore, thought it was the duty of his noble Friend to prevent, for a time at least, the importation of sheep until they saw what was to be done. He was aware that one gentleman, who had had a good deal of experience in Holstein, where the disease was very prevalent, suggested that vaccination should be tried, as he thought it might do to arrest the progress of the disease.

The MARQUESS of LANSDOWNE felt that he was not bound to argue with his noble Friend as to the merits or demerits of Sir Robert Peel's tariff respecting sheep. But he, as one of its supporters, should say that he thought it had operated beneficially for this country. He, however, admitted the inconvenience attending the free importation of sheep, and the importance of the subject to which his noble Friend had alluded; and although he was not one of those prone to create alarm, he thought it would be useful that some alarm should be created upon that subject, for the purpose of inducing persons engaged in the traffic to adopt such precautions as would protect both themselves and the public from the consequences of the importation and spread of the disease. The subject was one well calculated to excite their Lordships' curiosity and attention, with the view to the providing of a future remedy; for it affected the largest staple commodity in the manufactures of this country, as well as an article of extensively used food. It was known that the disease had existed for a long time in Holstein; and it was a curious circumstance that, although it had existed there without propagating itself, it subsequently propagated itself in various other countries into which it had been imported; but he believed it was only this year that it had in this country given any cause of alarm. There were apprehensions that within the last year it had been introduced into this country; but he believed that, in point of fact, only one instance of a diseased sheep had been discovered in a cargo imported since the present year had commenced. A great many, however, had become impregnated with the disorder, and many more would become so if great care were not taken. The Government appointed properly qualified persons to examine the sheep imported; and their directions were, that when diseased sheep should be discovered, the infected animals should be destroyed, and the whole cargo in which they were found should be detained, and placed in a sort of quarantine for a reasonable time. He understood, that in the countries where the disease prevailed, the owners had adopted the system of inoculation, which was extended to whole flocks, and it had had the effect of mitigating the effects of the disorder. As to the method proposed to be adopted by the Government, he should say that he was not at all certain that an Order in Council might not be found necessary to authorise the veterinary surgeons to destroy the infected sheep, and to detain the flocks in which they should be discovered.

Lord BROUGHAM said, that nothing could be more satisfactory than the statement made by the noble Marquess. The matter was one which involved, not only the question of the destruction of sheep, and the spread of small-pox, but the spread of many other diseases also, amongst which was the cholera.

THE LAW OF BANKRUPTCY.

Lord WHARNCLIFFE rose to present a petition from merchants, bankers, and traders of the metropolis, praying for a consolidation and amendment of the law of Bankruptcy, in conformity with certain suggestions therein contained. The noble Lord said this petition was originally intended to have been presented by a deceased noble Lord (Lord Ashburton), whose position and great experience had peculiarly fitted him for such an office; but it so happened that it now fell upon him (Lord Wharncliffe) to do so; and he would not detain their Lordships at any great length, beyond calling attention to the various suggestions in the petition. Their Lordships, he must observe in the first place, must admit that the subject was one of great moment to an immense and an important class of the community, namely, the commercial men of this country. Again, the petition was one which demanded the grave consideration of their Lordships' House, from the high respectability and character of those who had signed it. There were appended to this document 300 signatures of the most considerable trading firms of this great metropolis, and they prayed their Lordships to amend the laws which regulated the transactions carried on between parties engaged in the commercial world. The petitioners observed—

"That the welfare of this great country is dependent upon trade and commerce, and that credit or confidence between man and man is an essential element of their existence.

"That it is the especial duty of the State to maintain credit in its integrity, and effectually to discourage and punish its fraudulent or wilful abuse.

"That commercial credit, far from being sustained by the laws, is, on the contrary, almost wholly unsupported by them; and that dependence on the mercantile honour of the country, which has contributed so much to its greatness, is, from a defective system of legislation, almost extinct."

Now, with a view to call the attention of their Lordships and the commercial world to the evils of which they complained, the petitioners continued—

"That, at a public meeting of merchants, bankers, and traders, of the metropolis, held in the month of February, in the year 1847, it was unanimously resolved, That the existing bankruptcy and insolvent laws were a disgrace to this commercial age and country; that, under their shelter, deceit, reckless trading, extravagance, dishonesty, and every species of fraud, might be practised with impunity: the debtor was demoralised, and the creditor unprotected; that this impunity was steadily and surely undermining the commercial morality of the country; that it was unjust in reference to society in general, and to the industrious classes in particular; that, under this protection, a profligate dealer, after destroying the fair trade of a district, and ruining all in his neighbourhood, might, in effect, recommence business and repeat his course in another, or even in the same district, with scarcely a possibility of his reckless career being stopped by the arm of justice, or of any punishment being inflicted upon him for the ruin he had entailed upon others; that the opinion then expressed has been unhappily strengthened by the numerous and disastrous failures which have since occurred, and which are mainly attributable, as your petitioners confidently assert, to the absence of adequate and certain punishment for reckless and fraudulent traders; that the annual loss sustained by the country from bad debts has been under-estimated at 50,000,000*l.* sterling; that this vast amount is exclusive of the serious injury to the industrious classes, by the reduction of wages, resulting from the system of selling at a loss, practised by dishonest dealers, who trust to the protection and exemption from punishment now afforded them; that the present laws appear to have been enacted for the purpose of dealing with insolvency after it has taken place, and not with the view to prevent that course of trading which leads to it—a principle of legislation which your petitioners consider of vital importance to the safety of commerce.

"That your petitioners have long entertained the opinion that when insolvency has arisen from wilful misconduct or extravagance, or where debts have been contracted in fraud, dishonesty, or without the reasonable expectation of ability to pay them, the debtor should be subjected to punishment for the injury he has inflicted upon society, by imprisonment in the common gaol; they, therefore, hailed with satisfaction the recognition of this principle in the County Courts Act, and are most desirous of its extension to debts of larger amount.

"That notwithstanding certain acts of fraud committed by bankrupts are by law punishable as felonies or misdemeanours, yet the difficulties and obstacles in the way of conviction are such as almost entirely to deter creditors from their prosecution.

"That your petitioners are of opinion that upon non-payment of his demand the creditor ought to have every possible facility of obtaining an immediate distribution of his debtor's property, without the risk of further loss by its being made away with."

Now, in consequence of certain resolutions and conclusions which had been arrived at in many meetings, held for some years past, there were furnished the particulars of 48 consecutive cases to the Committee, by the Commissioners of Bankruptcy. It appeared that in these 48 cases there was an amount of debts proved of no less than 154,557*l.*; and of this sum the total amount collected under the bankruptcy laws was 41,826*l.*; but before this amount was divided amongst those who were entitled to receive it, there were various deductions to be made; there were the expenses of the court, and miscellaneous charges, the solicitor's costs, the official assignee's charges, &c.; and, taking all these charges together, and deducting them from the amount collected under the estates, the result was that no more than 23,338*l.* was left to be divided, and this gave a dividend of 3*s.* in the pound; and as these 48 consecutive cases were taken as the average of cases, it might be presumed that the result was not far from the average result. If they took the average amount of bankruptcies for five years, to be 1,348*l.*, and the dividends at 3*s.* in the pound, the amounts paid were, say 2,213,000*l.*: that would represent no less a sum than 8,083,000*l.*, the loss on that amount being nearly 7,000,000*l.* Then there were the Insolvency Court dividends; then there were those from the Court of Requests; then those settled by composition; and taking all these items together, it appeared that upon an average calculatain the gross amount of bad debts was 65,000,000*l.*, and the loss on this account was 49,000,000*l.* at the lowest estimate. He believed, however, that a statement had been made by a learned Commissioner, who had been constantly acting in the administration of these laws, and he had made an estimate of the loss, which was somewhat lower than this. But the lowest estimate of the loss incurred by the inefficiency of the bankruptcy laws was 25,000,000*l.*; and whether it were 25,000,000*l.*, or, according to the calculation he had referred to, 49,000,000*l.*, he thought their Lordships would admit that the subject was one which demanded serious attention. The bankruptcy laws, as every one knew, had within the last few years undergone many changes, and amongst other changes was that which removed the power over the person of the debtor by the creditor. No doubt there was at the time a very strong feeling against this power of imprisonment by the mesne process, and Parliament applied itself to afford a remedy; but, for his own part, he must say, that he had some doubt whether Parliament, in seeking to remedy an abuse, did not go too far in an opposite direction, by giving an undue advantage to the debtor over the creditor, which operated most perniciously. Now, this was a state of things to which the petitioners called the attention of their Lordships in the following terms:—

"That the evils which the trading community have suffered by the abolition, in the year 1838, of arrest for debt upon mesne process, have convinced them that process against the person in the first instance is a remedy which ought to be again accorded, but accompanied with precautions against misuse, and with inducements to the debtor to surrender himself to the Court of Bankruptcy.

"That it is the opinion of your petitioners that all creditors whose debts shall have been proved, and also the assignees, for the whole amount of the bankrupt's debts, should have the rights of judgment creditors against his person.

"That the court should have discretionary power to refuse, suspend, or withdraw its protection, now granted as of course, to the bankrupt upon his surrender to the fiat; and that such protection should be absolutely refused or withdrawn whenever the debtor shall fail to show that his bankruptcy has arisen otherwise than from fraud, gambling, wilful misconduct, or extravagance, or in case of concealment or of making away with his property or books, contracting debts without reasonable expectation of ability to pay them, or of his commission of any offences now punishable as felonies or misdemeanours. That in the event of the bankrupt being taken in execution after having been thus declared unworthy of protection, he should not be entitled to his release for three years (the maximum period of remand possessed by the Insolvent Debtors' Court), except by order of the Commissioner by whom his protection shall have been withdrawn."

Now, the power of arrest by mesne process existed, as the petitioners stated, up to the year 1838, when it was abolished; and so entirely was the law altered that its practical effect now was to give a most undue latitude to fraudulent persons. He saw no reason when fraud was proved—where the bankrupt could not remove from himself the suspicion in a *primâ facie* case of having become bankrupt by fraud—to securing the person of such bankrupt, and make him answer in that way for his misconduct. He did not see why, under proper restrictions, that course should not be adopted. The noble Lord proceeded to read the remaining paragraphs of the petition to the following effect:—

"That trading by uncertificated bankrupts should be punished by severe penalties.

"That the fees now paid to the Court of Bankruptcy, and which press most heavily upon small estates, should be reduced.

"That the fiat, which your petitioners deem an unnecessary source of delay, trouble, and expense (and which was declared to be so in the report of the Parliamentary Commissioners made in the year 1840), should be abolished.

"That the remuneration to the official assignees throughout the country should be upon one scale, to be declared by Parliament; and, as a great preventive of fraud, that they should prepare the bankrupt's balance-sheet.

"That upon the deaths of traders, and in default of appointment of executors or administrators, the Court of Bankruptcy should be empowered, after proper notice, to distribute the effects of the deceased.

"That where compositions and other arrangements between debtors and their creditors cannot be otherwise carried through, the concurrence of three-fourths in number and value of the creditors (above 5*l.*) should be binding upon the remainder, provided the arrangement be effected with the sanction of the Court of Bankruptcy; and that an efficient registration of all such deeds, as well as of bills of sale and mortgages to creditors, should be kept.

"That full annual returns should be made to Parliament under every bankruptcy, of the amount of the debts and liabilities, the available assets and dividends, and other particulars.

"That a consolidation of the numerous statutes relating to bankruptcy is most desirable."

LORD BROUGHAM said, it was impossible to over-rate the importance of the subject thus brought before them by the petitioners, traders in London, both wholesale and retail. He was far from saying that the tradesmen of London were unanimous upon this subject; but still here were three hundred persons whose names were sufficient to show their great importance in this city, and the consideration that their Lordships ought to give to their petition. There were various points in that petition with which he fully agreed, particularly in the opinion that the bankruptcy laws, as they at present stood, were too complicated, scattered over a variety of statutes, and that they ought to be consolidated, reduced into manageable form, and made more accessible to practitioners and to the public at large. But there were other recommendations in the petition, the propriety of which he not only more than doubted, but which he was not at all prepared to accede to. His noble Friend had truly said that large changes had of late years been made in the law of debtor and creditor. In the Bankruptcy Courts six Commissioners were always working. He believed that no men would more readily admit this than the petitioners themselves. There were recent cases in which 2,400,000*l.* were recovered, which were distributed among the creditors; there were other cases in which 20*s.* in the pound had been paid, and the commissions, of course, superseded, which advantages would have been lost under the old system. But that was not the only change. Imprisonment for debt had been wholly abolished, and imprisonment under execution had been almost wholly abolished; that was to say, the great principle had been adopted by Parliament that debt should be distinguished from crime, and that nobody should be imprisoned as in compensation to his creditors, to whom indeed it was no compensation, but rather an expense. At the same time, imprisonment was permitted for a fraudulent contraction of debt, or for gross extravagance, which was a kind of fraud, or for contumaciously refusing to give up property, or for making away with the property of the creditor subsequently to the contracting of debt. Under these four heads, which were crimes and not misfortunes, a person was still liable to be imprisoned. It appeared that the petitioners did not think that the creditor had sufficient power over the debtor. Well, he would say, let that be inquired into. Great changes had of late taken place; and as all human lesgislation must be more or less in the nature of an experiment, this of course must be so. Some persons were of opinion that the late changes had been perfectly successful. He was not one of those who thought so, for no man could say that the acts of any human legislature were perfect, or even approached perfection. There were others who said that the changes made matters worse than the old law; he still less agreed with them, for he thought if the new bankruptcy laws were not perfect, they were as near perfection as could be expected under the circumstances: but what he said was this, that they required to be looked after; they had been tried for some years, and Parliament had now the benefit of being assisted in their inquiries by men who said they had suffered, and by others who said they had benefited by these laws. All this, therefore, was a reason for examination. Where they had done wrong, let them correct—where they had done right, let them persist in their legislation—and where they had omitted, let them add what was wanting. On these grounds he cordially seconded the Motion to refer this petition to the Committee that was now sitting; and he would only add that, on those points where he most differed from the petitioners, he would be most anxious to hear their opinions.

The LORD CHANCELLOR said, he would not now debate the matters contained in the petition, for he thought it would be imprudent to pronounce any decided opinion upon them, as the petition would be the subject of future inquiry.

Petition read, and referred to the Select Committee on the Bankrupt Law Consolidation Bill.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 18, 1848.

MINUTES.] PETITIONS PRESENTED. From Dorchester, for a Better Observance of the Lord's Day.—By Colonel Dunne, from the Guardians of the Nenagh Union, for an Alteration of the Poor Law (Ireland).—By Viscount Melgund, from Shipowners, and Others, of Greenock, against the Repeal of the Navigation Laws.—By Sir Charles Lemon, from the Guardians of the Falmouth Union, in favour of Free Emigration.—By Lord George Bentinck, from Officers of the King's Lynn Union, in favour of a Superannuation Fund for Poor Law Officers. —By Viscount Ebrington, from the Parish of Burbage, Leicestershire, for an Alteration of the Law of Rating and Settlement.—By Viscount Ebrington, from the Committee of the Plymouth Mechanics' Institute, against the Scientific Societies Bill.

HIGHWAYS BILL.

On the question that the Speaker do now leave the chair,

SIR H. WILLOUGHBY objected to the Bill altogether, because he believed it would operate oppressively on the agricultural districts of the country, by imposing fresh burdens upon them, which, now that they had to compete with foreign producers of corn, they were ill able to bear. If it was the pleasure of the Legislature that the island should be intersected with fine roads, he considered that that was more a national than a local concern.

MR. G. HEATHCOTE, having received several communications from the most influential and intelligent of his constituents on the subject of the Bill, felt obliged also to oppose it. When so many Bills were to be postponed, he did not think that postponing one more would do much harm.

MR. CHRISTOPHER reminded the hon. Member who had just spoken, that the present Bill differed materially from the Bill of last year. The Bill of last year proposed that there should be a paid Commission appointed by Government, which should have the control of the highways. But the present Bill left the management of the highways in general to local control. If he thought that the present Bill would impose additional burdens on the agricultural districts of the country, as supposed by the hon. Member for Evesham, he would have joined that hon. Member in opposing it; but it was because he believed it would diminish the expenditure of those districts that he supported it.

SIR G. GREY said, the only substantial objection urged against the Bill of last year was that relating to a central commission; and the House having expressed an opinion adverse to that proposal, the Government undertook, in deference to the wish of the House, to bring in another Bill without that proposal. He must say, however, that if a Bill was to be opposed, on the one hand because it proposed a central commission, and on the other hand because it left the management to local control, there could be no amendment of the highways at all. The hon. Member for Evesham had objected to the Bill because it imposed a burden on the agriculturists. For his own part, he considered that, so far from this being the case, it was conferring on them a great advantage, inasmuch as he knew no way so likely to assist them in the competition to which they were now liable, as to give them increased facilities of communication by means of good roads. The Bill had been well considered by a Select Committee; and as all the Gentlemen who formed that Committee were anxious that it should proceed as speedily as possible through that House, he hoped they would at once go into Committee on it for that purpose.

MR. HENLEY wished this Bill to be postponed to another Session, because its principle had not been discussed, and its provisions were not understood by the country. He thought the House would act unwisely to set up a machinery which would not be applicable to turnpike roads as well as to highways. At present, turnpike roads were going on satisfactorily, so far as the expense was concerned, it having decreased in a ratio that was favourable to the revenue; but they were in a most unsatisfactory condition in respect to the charge upon them on account of the staff for maintaining them. He therefore would suggest whether an amalgamation of the turnpike and highway trusts might not be effected. Before harassing the country with the cumbrous machinery of this new system, that question ought to be considered, not by the Government only, but by the Parliament also. If the right hon. Gentleman would make it permissive to the counties to carry either a part or the whole of the measure into operation, he would then consent to leave the matter to the calm understanding and good sense of those bodies; but unless that option were given, he should feel it his duty to move that the further consideration of the Bill be postponed till that day six months.

Sir G. GREY objected to enter upon a desultory discussion of the different provisions of the measure, before the House had gone into a Committee upon it.

Mr. R. PALMER expressed his disappointment at not finding the present measure included among those which the noble Lord at the head of the Government yesterday stated it to be his intention to postpone till the next Session of Parliament. The Bill had so recently come from the Select Committee, that it had been scarcely considered in any county in England. The preamble stated that it was desirable the roads and highways should be placed under one and the same control, in order that they might be managed more efficiently and more economically. It might be a question whether they could be placed under the same control, because there were many local and geographical circumstances that might render it impracticable; but, at all events, he doubted whether, if practicable, it would be a more economical system than the present.

Sir W. HEATHCOTE agreed with the hon. Member for Oxfordshire, that unless the Bill could be improved in Committee, it ought to stand over till another year. He was desirous of seeing the bridges, which at present formed a great item of the county expense, come under the supervision of those persons who had to provide facilities for locomotion in the county.

After some further conversation,

The House divided:—Ayes 88; Noes 34: Majority 54.

List of the Ayes.

Abdy, T. N.
Adair, R. A. S.
Alcock, T.
Armstrong, R. B.
Barrington, Visct.
Bernal, R.
Bowring, Dr.
Boyle, hon. Col.
Brotherton, J.
Brown, W.
Browne, R. D.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cavendish, hon. G. H.
Childers, J. W.
Christopher, R. A.
Clifford, H. M.
Compton, H. C.
Davie, Sir H. R. F.
Deedes, W.
Drumlanrig, Visct.
Drummond, H.
Duckworth, Sir J. T. B.
Duncan, G.
Duncuft, J.
Dundas, Sir D.
Elliot, hon. J. E.
Emlyn, Visct.
Ewart, W.
Foley, J. H. H.
Forster, M.
Fortescue, C.
Freestun, Col.
Greene, T.
Grenfell, C. W.
Haggitt, F. R.
Hardcastle, J. A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Heathcote, Sir W.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hood, Sir A.
Howard, P. H.
Ingestre, Visct.
Jolliffe, Sir W. G. H.
Kershaw, J.
Langston, J. H.
Lascelles, hon. E.
Lascelles, hon. W. S.
Lewis, G. C.
M'Cullagh, W. T.
Matheson, Col.
Milner, W. M. E.
Moffatt, G.
Moody, C. A.
Morison, Sir W.
Morris, D.
Nugent, Sir P.
Paget, Lord C.
Parker, J.
Perfect, R.
Pinney, W.
Pusey, P.
Ricardo, O.
Rice, E. R.
Rich, H.
Russell, F. C. H.
Seymer, H. K.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Simeon, J.
Slaney, R. A.
Thicknesse, R. A.
Thompson, Col.
Townley, R. G.
Trollope, Sir J.
Tynte, Col.
Verney, Sir H.
Villiers, Visct.
Villiers, hon. F. W. C.
Wawn, J. T.
Wilson, M.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the Noes.

Arkwright, G.
Bateson, T.
Bentinck, Lord G.
Bentinck, Lord H.
Beresford, W.
Boldero, H. G.
Bremridge, R.
Buck, L. W.
Carew, W. H. P.
Coles, H. B.
Cubitt, W.
Davies, D. A. S.
Egerton, W. T.
Farnham, E. B.
Floyer, J.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gore, W. O.
Gwyn, H.
Heald, J.
Heathcote, G. J.
Hodges, T. L.
Hudson, G.
Keogh, W.
Manners, Lord C. S.
Newdegate, C. N.
Palmer, R.
Pechell, Capt.
Pigott, F.
Pugh, D.
Stafford, A.
Waddington, H. S.
Willoughby, Sir H.

TELLERS.

Henley, J. W.
Spooner, R.

House in Committee.

Some clauses were agreed to.

House resumed. Committee to sit again.

House afterwards counted out, and adjourned at a quarter after Five o'clock.

HOUSE OF COMMONS,

Wednesday, July 19, 1848.

Minutes.] Public Bills.—1° Cruelty to Animals Prevention.

2° Tithe Rent Charge, &c. (Ireland); Sale of Beer.

Reported.—Ecclesiastical Jurisdiction; Reproductive Loan Fund Institution (Ireland); Consolidated Fund (3,000,000*l.*)

Petitions Presented. By Mr. G. Thompson, from Thatcham, Berkshire, and several other Places, for an Extension of the Elective Franchise.—By Mr. Wakley, from the Inhabitants of Stockton-on-Tees, Durham, and from several other Places, for the Adoption of Universal Suffrage.—By Mr. Bramston, from the Parish of Little Waltham, Essex, against the Sale of Spiritous Liquors on the Sabbath.—By Mr. Newdegate, from the Church of England Lay Association of Birmingham, complaining of the Conduct of the Roman Catholic Clergy (Ireland).—By Sir Benjamin Hall, from Vestrymen of the Parish of St. Marylebone, for Promoting Colonisation.—From William Thompson, of Hazlewood, in the West Riding of Yorkshire, complaining of the Decision of the Land Tax Commissioners.—By Mr. Wakley, from Manchester, for an Alteration of the Property Tax.—By Mr. Alexander Hastie, from the Operative Bakers of Glasgow, for Inquiry into their Grievances.—By Sir R. H. Inglis, from several Clergymen of the Church of England and Ireland, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. Wakley, from Norwich, in favour of a Free Pardon to Frost, Williams, and Jones.—By Mr. George Hamilton, from several Persons resident in Galway, against the Irish Reproductive Loan Fund Bill.—By Sir Henry Halford, from Magistrates of the Borough of Leicester, for the Establishment of Measures for the Reformation of Juvenile Offenders.—By Mr. Wakley, from several Members of the Royal College of Surgeons, resident in London, for Reform in the Medical Profession.—From Taxpayers of Manchester, for Revision of the Pension List.—By Sir J. Y. Buller, from the Board of Guardians of the Honiton Union, in favour of Free Emigration.—By Mr. Wakley, from Gainsborough, Lincoln, for Regulating the Sale of Poisons.—By Mr. Beresford, from the Borough of Saffron Walden, for the Suppression of Promiscuous Intercourse.—By Sir Benjamin Hall, from Master Bakers, resident in the Parish of Marylebone, against the Sale of Bread, &c. Bill.—By Mr. Fuller, from Ratepayers of the Parishes of Mountfield and Whatlington, Sussex, to take into Consideration the State of the Turnpike Trusts.

INFORMALITY IN THE SUGAR DUTIES BILL.

Lord G. BENTINCK said: An impression prevails in the City, which I believe to be well founded, that it will not be competent to Her Majesty's Government to levy the sugar duties according to law which are now being levied under the Resolutions which have passed this House; and that if the Government propose to raise the duties which are now being raised, they must ask leave to withdraw from the House the Sugar Bill that is now before it, cancel the resolutions that have been passed, and begin again. The House may, perhaps, not be aware that the duties, by the Act now in force—that is, the old Act of 1846—are levied "on sugar or molasses the growth and produce of any British possession in America, or of any British possession within the limits of the East India Company's Charter, into which the importation of foreign sugar is prohibited, and imported from thence." Her Majesty's Ministers, in their desire, I suppose, to economise a few words—the only economy which they have ever displayed—have altered the heading of the resolution thus: that the following duties shall be charged "on sugar or molasses the growth or produce of any British possession into which the importation of foreign sugar is prohibited, being imported from any such possession." Now, the importation of foreign sugar into Jamaica is certainly not prohibited; consequently it will not be competent, under the Bill at present before the House (founded on the resolutions which we have passed), for any such duties as those agreed to in the first Schedule (being 13*s.* per cwt. on muscovado sugar) to be levied upon sugar imported from any British possessions into which the importation of foreign sugar is not prohibited. Consequently, the only duties that can be levied under this Bill "on sugar or molasses the growth and produce of any other British possession, being imported from any such possession"—that is to say, the duties leviable on sugar the growth and produce of Jamaica, will be the duties leviable under the second schedule in the resolution, and which schedule imposes on muscovado sugar a duty of 15*s.* 9*d.* per cwt. I speak of Jamaica because I am certain of the fact; but I believe the case applies to the greater part of the West India colonies. I am not certain whether it applies to the Mauritius or not; but I am certain it applies to Jamaica, and that the only duty that can be levied under this Act on sugar the growth and produce of Jamaica is 15*s.* 9*d.* per cwt., and not 13*s.* per cwt., on muscovado sugar. Now, I have looked to the 8th and 9th Victoria, c. 93, being "An Act to regulate the Trade of British Possessions abroad," and I have also looked to the Warehousing Act, to see whether this case was provided for, but I can find no loophole out of which the Customs will be able to creep, and levy any other duty than that of 15*s.* 9*d.* per cwt. on muscovado sugar the growth and produce of Jamaica. I apprehend, therefore, that there will be no course open to Her Majesty's Ministers, but that of withdrawing the Sugar Bill now before the House-asking the House to cancel the resolutions, and starting afresh and beginning altogether *de novo.* Whilst I am on this topic—and I assume that I am correct—I beg leave to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to another point, the duties now leviable upon foreign refined sugar—whether Dutch, Hamburgh, or any sugar imported from the continent of Europe. By the Act of 1846, the duties so leviable were 3*l.* 3*s.* per cwt. The right hon. Gentleman has omitted that part of the old schedule of duties altogether from his Bill, and from his Resolutions. That schedule was intended to be a protection to British refiners, and also to the wharfingers and warehousemen in this country; but, under the proposed new law, refined sugar of this description may be imported on paying a duty of only 1*l.* 4*s.* 8*d.* per cwt. Now, the difference in price between sugar of equal quality, refined in this country, and refined in Holland, and now in bond, was, five days ago, no less than 7*s.* 7*d.* per cwt. The effect of the declaration of the right hon. Gentleman, on Saturday last, was to knock down the price of British refined sugar 3*s.* per cwt., and to raise the price of Dutch or De Bruyn refined sugar 2*s.* per cwt. In short, it was said in the City, that if the Sugar Bill passed in its present shape, it will set Messrs. De Bruyn and Co., who are bankrupts at this moment, entirely upon their legs again, at the expense of the British refiners. Therefore, the sugar refiners complain that they are taken entirely by surprise, and are stabbed in the dark. I do not think it right to say that; but they are entitled to complain that the Chancellor of the Exchequer never said one word upon this subject when he was making his exposition of the Government measure to the House. It is true, if the refiners had looked at the heading of the different schedules, they might have found out that the old schedules had been omitted; but, as far as the sugar interests understood the question, they believed the new measure of the Government to be one of relief and not of injury to the colonies; and it never occurred to them that Her Majesty's Ministers would by their measure injure the refiners very deeply, and put the colonists in almost as bad a condition as they were before. Assuming, as I do, that the Government will have to begin over again, I hope that they will take these matters into their consideration, and bring forward fresh resolutions in all respects more agreeable to the sugar planters, and which will not be injurious to the British sugar refiners, or threaten the interests of the warehousers and wharfingers in this country.

The CHANCELLOR OF THE EXCHEQUER was obliged to the noble Lord for having drawn his attention to this subject, which had not escaped his attention. When the House went into Committee on the sugar duties he should be prepared to state his answer to the noble Lord's observations.

MR. CARDWELL begged to impress upon the Government the great influence which these things had upon every day's trade in London and Liverpool. The impression out of doors was, that two great mistakes had been committed by the Government: one, by which British West Indian raw sugar would be charged 15*s.* 9*d.* per cwt., whereas it was the intention of the Government that it should be charged only 13*s.*; and, secondly, that the Dutch refiner would have an advantage over the British refiner in the article of sugar. Now, he did not hear from the Chancellor of the Exchequer that either supposition was altogether unfounded; and both were operating in the market, and injuring the British owner of sugar. It might not be an occasion to go into any argument on the subject; yet, surely, the House were entitled to know whether it was the intention of Government to begin *de novo* with their resolutions, or whether it would be sufficient to make a change in the Bill; and, if so, what change they intended to make.

The CHANCELLOR OF THE EXCHEQUER said, there was not the least doubt that a mistake had been made in the wording of the first resolution. The question, however, turned upon the wording of the English Act, and not as to what might be the law in Jamaica. By that Act, sugar not refined was prohibited to be imported into the West Indian colonies. There was a technical distinction arising from the wording of the schedule, which he proposed to remove in Committee on the Sugar Duties, and the effect of which would be to admit sugar at the lower duty at which it was the intention of the Government it should be admitted. With regard to refined sugar, he stated on Saturday generally how the matter stood, in reply to the noble Lord's question. He was not prepared to give a more precise answer upon that question; and he would only remark, that it was inconvenient to be called upon to give an answer to such questions upon the spur of the moment, and without having the information at hand which would enable him to give a satisfactory answer. He would take the proper occasion to give a full and complete explanation upon the points raised by the noble Lord.

MR. JAMES WILSON happened to know that the sugar refiners understood the Act of 1846 as did the Government.

They were aware of the admission of sugar refined in Holland eighteen months ago; they did not object to it at this moment; and no inconvenience whatever had arisen.

ROMAN CATHOLIC RELIEF BILL.

On the question that the Speaker do leave the Chair to go into Committee,

The ATTORNEY GENERAL said, he had approved of the principle of the Bill, and had lent his assistance to its object, to repeal obsolete Acts pressing upon Roman Catholics; and he thought it somewhat ungrateful on the part of the hon. and learned Gentleman (Mr. Anstey) to reproach the Government, for if there was anything in the substance of the Bill, it was in the proviso which he (the Attorney General) had amended. The hon. and learned Gentleman had had an opportunity of bringing forward this Bill, and of bringing himself forward with it; and he hoped he would now consent to withdraw it, considering the lateness of the Session. If he did not, although friendly to the Bill, he should vote against the Motion for going into Committee, there being no immediate necessity for passing the Bill.

Mr. LAW would give the hon. and learned Attorney General an opportunity of showing his consistency, and move that the House go into Committee upon the Bill that day six months.

Mr. ANSTEY could not allow the House to proceed to a vote without taking an opportunity of the hon. and learned Attorney General being present to make a statement in his own vindication. The hon. and learned Gentleman, for reasons of his own, or of the Government, had thought fit, at the eleventh hour, to make a speech, which if it had been made at an earlier period would have very considerably increased the minority against the Bill. He said the Bill, as framed by him (Mr. Anstey), contained nothing of substance; that the only thing of substance contained in it was introduced by him (the Attorney General) in Committee, by way of proviso. [The Attorney General: By an alteration of the proviso.] The hon. and learned Gentleman made nothing of the kind; the Chancellor of the Exchequer made the Amendment, which, if the original document was in existence, would be found in his (Mr. Anstey's) handwriting. The amendment was made, not by the Attorney General, but by the Chancellor of the Exchequer. The hon. and learned Gentleman had imputed to him, by insinuation, that the only motive which he (Mr. Anstey) had for introducing this Bill was to bring himself forward. Long ago he had been instrumental in bringing forward all those reforms which the late Parliament had made, and which, at the instance of his hon. and learned Friend, Mr. Watson, then a Member of the House, were successively adopted. The Attorney General would remember that he had discussed with him the clauses of the Bill *seriatim;* and the hon. and learned Gentleman thought the latter part of the Bill, so far from being without substance, was terribly substantial, and that it might be difficult to get the Government to assent to it. They had gone over all the statutes; and, with the exception of one, the hon. and learned Gentleman told him that he (Mr. Anstey) had satisfied him. With respect to the first Relief Act, 31st of George III., that enactment was not obsolete. With a natural jealousy, the men who had consumed the longest Session on record in rash and improvident legislation, saw with pleasure the exertions of individuals more industrious than themselves defeated, not by the opposition of that (the Conservative) side of the House, but by the hollow and treacherous conduct of the Government.

The ATTORNEY GENERAL had always treated the Bill as consisting of two parts: one relating to obsolete statutes, and the other to the recent Relief Act; and during the discussions upon the Bill, he and his right hon. Friend (Sir G. Grey) had said, that the principle of the Bill was a good one, and they had supported the first part of the Bill, which repealed those Acts which, although obsolete, were considered offensive; and with regard to the latter part of the Bill, they had offered no impediment. The Amendment referred to, though it might be in the handwriting of the hon. and learned Member, had been really suggested by himself (the Attorney General) and the Chancellor of the Exchequer.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 40; Noes 86: Majority 46.

Committee put off for six months.

PARLIAMENTARY ELECTORS BILL.

Sir De L. EVANS moved that the report on the Parliamentary Electors Bill be received.

Viscount GALWAY objected to the measure, and read several returns to show that non-payment of rates excluded very few persons from the exercise of the franchise. In Cambridge, out of a constituency of 2,872, only one was excluded; in Exeter, none, though the constituency amounted to 3,550. In Liverpool, with a constituency of 39,266, only 89 were excluded; Manchester, 17,878 voters, 77 excluded; Tower Hamlets, 41,921, 978 excluded; Westminster, 23,224, 1,999 excluded; Norwich, 3,478, 53 excluded; Newcastle, 5,414, 7 excluded. He contended that there was no necessity for any such measure, and concluded by moving that the report be received that day six months.

The House divided on the question that the word "now" stand part of the question:—Ayes 66; Noes 61: Majority 5.

Bill reported. To be read a third time.

House adjourned at a quarter past Four o'clock.

HOUSE OF LORDS,

Thursday, July 20, 1848.

Minutes.] Public Bills.—1ª Consolidated Fund; Corn Markets (Ireland); Administration of Criminal Justice; West India Islands Relief; Naval Medical Supplemental Fund Society.

2ª Trustees Relief (Ireland); Wolverhampton Curacy.

3ª and passed; Law of Entail (Scotland); Joint Stock Companies.

Petitions Presented. From Distillers of Haddington, against any Alteration of the Differential Duties on Foreign and Colonial Spirits.—From Birmingham, that the Provisions of the Benefit Societies Act may be extended to the "Modern Masons."—From Halton, and other Places, against the Sale of Intoxicating Liquors on the Sabbath.—From Bilston, that a Bill may be passed for the Relief of Holders of Copyhold Property.—From the Presbytery of Fordoun, against the Marriage (Scotland), and the Registering Births, &c. (Scotland) Bills.—From Bute and Rothsay, for Facilitating the Attainment of Sites for Free Churches in Scotland.—From Manchester, in favour of the Sale of Beer Bill.

STATE OF IRELAND.

Lord STANLEY: I do not wish to press the noble Marquess now for any answer to the questions I am going to put; but, at the same time, the accounts received within the last forty-eight hours from Ireland are of so serious a character, that I am sure the noble Marquess will excuse me for feeling a deep anxiety to have from Her Majesty's Government the most authentic information as to the existing state of Ireland. It appears that, within the last day or two it has been found necessary, by the Lord Lieutenant, by and with the advice of the Privy Council, to exercise the powers vested in him by the law, and to proclaim seven districts of the country under the provisions of the Act passed in December last. I do not know whether those proclamations were of a more moderate or of a stronger character than ordinary; but the fact of their having been issued at such a time affords a proof of the serious apprehensions of the Government, and of their doubts as to the maintenance of tranquillity in Ireland. The questions, therefore, that I am desirous of putting are these:—In the first place, I ask the noble Marquess for any information he may have, and be able to give the House, as to the existing facts and circumstances of the case; and, secondly, whether Her Majesty's Government have taken, or intend to take, any further steps beyond the issuing of the proclamations? and further, whether they intend to apply to Parliament for any further powers beyond those which they already possess? I am quite aware that these are questions which it may be inconvenient for the noble Marquess to answer to-day. But the question of which my noble Friend (the Earl of Glengall) has given notice for to-morrow, will give the noble Marquess an opportunity of entering to-morrow into the details, if he feel unable to answer now. But I beg of him to understand that the House will expect to have from him to-morrow full information as to the state of Ireland, the intentions of Her Majesty's Government with regard to it, and the steps which they propose to pursue.

The Marquess of LANSDOWNE: I do not at all complain of the noble Lord for putting the questions he has proposed, because I do not deny that the circumstances are such as to justify him in feeling anxious; but I will content myself with stating that the noble Lord is perfectly correct in his statement as to the issuing of the proclamations by the Lord Lieutenant, and that these proclamations go to the fullest extent that the noble Lord the Lord Lieutenant of Ireland can go under the provisions of the Act. I cannot say that further measures will not be necessary or be applied for; and I am not prepared to state what those measures may be. I quite concur with the noble Lord that the notice given by the noble Earl opposite (the Earl of Glengall) for to-morrow will give an opportunity for entering into the whole discussion; but I must say that any discussion or expression of opinion on the part of your Lordships will retard the progress of any further measures that may be considered necessary in the present state of Ireland, and will embarrass the course of Her Majesty's Government.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 20, 1848.

Minutes.] Public Bills.—2° Corrupt Practices at Elections; Sugar Duties; Renewable Leasehold Conversion (Ireland.)

Reported.—Ecclesiastical Unions and Divisions of Parishes (Ireland); Highland Roads, Bridges, &c. (Scotland).

3° Consolidated Fund (3,000,000*l.*)

Petitions Presented. By Dr. Bowring, from the Town of Peel, in the Isle of Man, in favour of Insular Enfranchisement.—By Mr. Charles Howard, from the Inhabitants of Brampton, in Cumberland, for the Adoption of Universal Suffrage.—By Mr. Pole Carew, from the Borough of Denbigh, for a Better Observance of the Lord's Day.—By Mr. Goulburn, from several Merchants of Liverpool, to take the State of the West India Colonies into Consideration.—By Mr. Fox Maule, from the Town Council of Perth, for Inquiry into the Excise Laws.—By Lord George Bentinck, from Merchants, and Others, interested in the Sugar Plantations in the Island of Mauritius, resident in London, against the Sugar Duties Bill.—By Mr. Cardwell, from the Brazilian Association of Liverpool, against the Admission of Foreign Refined Sugar.—By Mr. Reynolds, from Thomas Mackey Scully, of Airfield, Dublin, complaining of the Misappropriation of Funds in the hands of the Boyne Navigation Company.—By Mr. Cowan, from several Royal Burghs of Scotland, for an Alteration of the Law of the Court of Exchequer (Scotland).

INCUMBERED ESTATES (IRELAND) BILL.

Report further considered.

On the question that the Amendments be read a Second Time,

Mr. NAPIER opposed the Bill in its present state, because it would be as unjust to apply the Bill to a large portion of the property in Ireland, particularly in the north, as to apply the provisions of the Bill to the property in England. As the Bill came down from the other House, this objection could not be raised, and the sacred rights of parties who claimed under settlements were also provided for. Under the first set of clauses, the machinery was provided for protecting the rights of all parties; but under the second set of clauses, added by the Solicitor General, while the rights of owners and incumbrancers were protected, the vested rights of parties claiming under settlement were sacrificed. If it were an object to encourage the sale of small estates, it was a matter of much importance that the person who purchased a small portion of land should have his title made good at once under an order of the Court of Chancery. But, under the second set of clauses, no title could be completed in less than five years. During that period no title could be made, nor could the money be paid out which had been paid into the Court of Chancery by the purchaser, because the parties might come in and undo every thing that had been done. It had been supposed that all the expenses of the Court of Chancery could be saved by the second set of clauses; and if, by so doing, they could carry out the object of the Bill as well, that would be a most legitimate and proper object to attain. But when sales were made under the second set of clauses, in order that the money might be paid out under the order of the Court of Chancery, all the inquiries about the rights of parties which had been put forward a little earlier in the first set of clauses, must be gone through under the second set. There must be the same investigation under the second Act as under the first; and the expenses would be thrown on the estate in certain cases. Would it not be a wise course, if they found that the first set of clauses would carry out the policy of the Bill, to affirm that set of clauses, and pass the Bill? He approved of the clause which provided that the expediency of a sale should be ascertained, so as not to force the vested rights of parties unless upon such grounds as absolutely called for such an interference with private rights. The provision with regard to costs was also material, for it was important to prevent parties setting the Act in motion merely to make costs. But his objection was, that under the secondary clauses all the inquiry, so carefully provided for, was to be instituted after the sale was concluded. Suppose, then, it should turn out upon these inquiries that they had been instituted before the sale, such sale would not have been expedient. Why should there be two sets of clauses, the policy of which was wholly irreconcilable each with the other? If one was right, the other must be wrong. It was not wise nor just to compare landed property with moveable chattels. Then, with respect to the new clauses, although it was alleged that this measure was only to apply to those special cases in which land was inconveniently incumbered, the very first of these new clauses would enable the owner of every estate in Ireland, who had a judgment over him to the amount of 20*l.*, without notice to any persons having claims by settlement, to sell the property out and out, and so defeat the limitation of settlement, without the protecting care of the Court of Chancery being able to guard the rights of those persons. If this was good legislation for Ireland, why not for England also? The great objection he entertained to the second set of clauses was this—that, if a man had a *bonâ fide* claim, he would proceed under the first set of clauses; but if he had a cloudy or fraudulent claim, he would proceed under the second set. It was dangerous legislation to let loose, in such a country as Ireland especially, the powers which were given by the second set of clauses. Any man who was a tenant for life in Ireland, with the smallest amount of judgment debt, would have a power, under the Bill as it now stood, of disposing of the entire property, without any protection being given to parties claiming after him. Such an innovation would interfere with the most sacred relations of life; and, considering how landed property was depreciated in Ireland, owing to the unsettled state of the country, to the visitations of Providence, and other causes, a few years should be allowed, in which something might be done in order that property might recover its value; instead of which, this large and dangerous power was given to tenants for life to deal with property irrespective of the rights of children yet unborn. He was satisfied that this authority was not intended to be given by the Bill. The purchaser was subject to have his title questioned for five years, and none but a large capitalist would invest his money subject to such risk, whilst the poor occupiers would be neglected. Meanwhile, the money would be locked up for five years, the incumbrancer not being able to get it, and all this merely to enable a party to defeat a family settlement. The clause respecting compensation provided that where proper notice should not be given, and there had been a collusion between a party and the solicitor, the person affected by such fraud should have a remedy by suit against the party or the solicitor. Suppose a case of fraud against a creditor, what redress was it to tell him to go and look after some attorney? On the other hand, no respectable solicitor would advise a client in the matter, lest he should be liable to a suspicion of collusion, and subject to proceedings thereafter. This clause provided a compensatory machinery, but no substantial remedy. He therefore objected to these clauses; he hoped to modify them; and he had submitted to the Government the views which had occurred to him. He thought the latter part of the Bill was neither wise nor good, nor, when considered soberly, did he think that part of the Bill would carry out the policy of the measure in concurrence with the views of the House of Lords. He moved that the Bill be recommitted.

The SOLICITOR GENERAL must begin the few observations he had to make in reply to the objections of the hon. and learned Member, by bearing his testimony to the great assistance which he had rendered in the discussion of this Bill. Every one was ready to admit that the condition of property in Ireland must be regarded as very peculiar, and there might, therefore, be provisions in the Bill which at first view were calculated to excite some degree of surprise; but he ventured to assert that nothing would be found in the Bill not justified by considerations of sound policy, nor would there be discovered in it anything that could not be supported by precedents in this country. People who had not paid any attention to the subject would be surprised to learn that at the period of the Union, in the year 1800, the fee-simple of the land in Ireland, was in the hands of only 8,000 proprietors, while at the same period the land of England was held by 200,000 proprietors. The chief purposes of the measure having already been fully explained to the House, it was not required of him then to apprise them, that one of its objects was to increase the number of small proprietors of land. One of the modes by which they proposed to accomplish that was to give to the incumbrancers a power of compulsory sale, when the Court of Chancery should have ascertained the rights of all the parties concerned, and that the sale should be proceeded with even though all the persons concerned were not consenting parties. There was also another power of sale given without the instrumentality of the court, when the parties gave unanimous consent. But in that case he proposed to provide that the purchase-money should be paid into the Court of Chancery to be divided amongst the several claimants. There was also a provision that the Court of Chancery should possess the power of preventing the undue interference of parties who withheld their consent merely for the purpose of getting more money. The Bill would enable the Court of Chancery to see that parties presenting any obstacles to the progress of a sale did really offer a *bonâ fide* reason for demanding delay. In this country the effect of every well-drawn settlement and of almost every will was this, that practically it gave the tenant for life power to sell an encumbered estate. This Bill gave that power when the owner found the estate encumbered; but it did not permit him to create incumbrances for the purposes of a sale, nor to promote its sale on the ground of any incumbrances to which he himself had given rise. Besides the existing provisions of the Bill, he proposed to add a clause requiring that absolute personal notice should be given to all persons in remainder, for the purpose of preventing fraud, by every individual who happened to be interested being made aware of the intended sale. It was, of course, understood that the first incumbrancer could have no interest in forcing a sale, for there would probably always be enough to pay him; subsequent incumbrancers might be apprehensive that there would not be enough to pay them; and the owner might fear that a very trifling residue would remain to him; but all the parties would find their advantage in obtaining the highest possible price for the land when sold. Further, it was proposed that no purchaser should have a title to land if fraud in the purchase could be shown; fraud was always found to vitiate the contract. Fraudulent purchasers would be compelled to restore the lands they had acquired; and all persons cognisant of the fraud, such as the solicitors concerned, were to be liable for the consequences of the fraud. Also, it was intended to provide that the Lord Lieutenant should have power to appoint surveyors to estimate the value of estates sold under the Bill, and to see that proper prices were paid for them. It was likewise proposed that purchasers were not to get a title complete until five years should have elapsed after the sale; and, with reference to this point, he begged to observe that a similar clause was to be found in the Land Clauses Consolidation Act. It should not be forgotten that all the expenses of sale fell upon the land, and yet the owners of that land were the parties whom the Legislature desired to protect. He did not overlook the objection that had been raised to the clause which suspended the title for five years; but he hoped hon. Members would bear in mind that delay would have the effect of inducing purchasers to look closely into the title, and that within the five years there would be ample opportunity for those persons to come forward who had any claims against the estate. They could not create a middle class in Ireland unless they made it possible to sell land to the extent of 100 acres or thereabouts without a ruinous expense. To produce such an effect they must pass such a measure as the present, emancipating the land in the hands of the owner, and thereby they would enlist a large class of persons in favour of order and good government. He implored the House to adopt such a measure as the present. Every disease which afflicted Ireland seemed to spring from land; which was unattainable by those who, if they could get it, would be the best cultivators of it; and unless they made land marketable in Ireland, as it was not at present, every other measure they might attempt to pass for the relief of that country would be found utterly ineffectual. He should not be indisposed to extend a similar Bill to England, though he did not mean to say that evils to the same extent existed in this country as in Ireland.

Mr. SADLIER would support the Motion of the hon. Member for the University of Dublin. The titles of property in Ireland were exceedingly intricate, and it behoved the Government to consider well before they broke through those safeguards which the experience of courts of equity had raised up against the perpetration of fraud and collusion. The Amendment introduced by the hon. and learned Gentleman had gone far, in his opinion, to prevent the sacrifice of property which otherwise would have ensued under the provisions of the Bill as it originally stood. The practical power conferred upon the tenant-for-life in England to sell the estate, ought to be extended to the tenant-for-life in Ireland. One of the great defects of the law in Ireland was, that you could not institute a foreclosure suit in that country. A simple law conferring the power of instituting a foreclosure suit, would go far to confer upon Ireland all the advantages which a rational man would anticipate from the measure before the House. The hon. Gentleman entered into other details, and concluded by repeating his determination to support the Amendment.

Mr. NEWDEGATE, as an English Member, objected to the anxiety displayed by the Solicitor General to extend this Bill to England. He believed in the necessity of a measure for Ireland such as this was when it came down from the House of Lords. The Lord Chancellor and the House of Lords had met the necessities of the case wisely, effectively, and he would add justly, and they had produced a measure worthy of the high legal knowledge of the Lord Chancellor, and of that calm, careful, and patient investigation which their Lordships bestowed upon all questions upon which they legislated, and guarded with all the safeguards that their matured experience deemed requisite. He protested against the novel principle introduced into the Bill by the Solicitor General. The hon. and learned Gentleman did not approve of the ample remedy which the wisdom of the House of Lords had provided for the case, but proposed another. His remedy came to this, and it was truly one peculiarly applicable to an Irish evil—you knock a man down first that you may pick him up afterwards and take the chance of curing his broken head. He protested against the embodiment of any such principle in legislation; and whenever the Government should attempt to extend that principle to England, the attempt would prove the termination of their tenure of office; they would find themselves the scorn of the House, and they would be driven from those benches with the unmitigated and universal contempt of the country. He contended that the necessity of the case was met by the first part of this Bill, and that there was no necessity to append to it the principle of the hon. Gentleman, compelling the sale of all incumbered estates within five years, which they were told would rather enhance than be detrimental to the price. If there were any faith to be put in political economy—and the Ministry were political economists—to glut the market was not the way to raise the price—and this Bill would glut the market. The hon. and learned Gentleman had instanced the Railway Acts of England, under which sales were compelled, and said there was no difference in the two cases. But was there really no difference? Would the parties in the forced sales in Ireland, under this Bill, have any security for the value of their property? That was doubtful; but the capital of a railway company was ascertained by Parliament before the power to force sales was given. Care was taken that that capital should not be improperly disposed of, and everybody was secured. How stood the case here? By the clauses providing for the sale of property, introduced by the Solicitor General, if a fraudulent sale took place, and it were discovered within five years, the real proprietor might recover his property; but if it had been resold, he had no remedy, except against the party who had sold it in the first instance, and who, if the sale were a fraudulent one, could take care to be out of the way before the discovery took place. The rightful owner would inevitably be deprived of his property, while the second purchaser would enjoy its possession in safety. The more he considered the principle of these clauses, the more objectionable they seemed. The hon. and learned Gentleman said they were necessary for Ireland, because there was no power of sale given in life tenures in Ireland, while in England there were general powers of sale in life tenures with the consent of trustees. But this Bill, instead of providing the supervision of trustees, and then permitting the sale as in England, abolished at once all trusteeships and all settlements under trustees. This was adopting a principle totally alien to the principle of English law and practice, and indicated, in his opinion, a determination to deal with the property of Ireland in the most summary manner, when this principle, allowing property to be sold within five years, was introduced. He must say that the English Members, if they had any regard for the tenure of property as it existed in this country, would ill discharge their duty if they sanctioned such a principle. It was said that the adoption of this principle with regard to Ireland was a matter of policy; but that involved grave considerations. They were about to proceed recklessly to divide property; let the House be careful how it permitted this. That was the principle of *morcelement* which in France had produced such unhappy effects. They were commencing a disturbance of the rights of real property by rash innovations, and he warned the House that the safety of personal property would also be compromised by the measure. He believed the effect of the measure would be to loosen that feeling of respect which had hitherto happily prevailed so many years in this country for the rights of property. The hon. and learned Gentleman had also said, and he must confess he was greatly surprised when he heard it—"If anything is to be done, we must not be too nice about guarding against fraud." He had not the slightest wish to misrepresent what the hon. and learned Member had said; but, accepting his own interpretation, did not the admission of any incumbrances show that the Bill created a liability to fraud? These incumbrances did not disfigure the Bill when it came down from the House of Lords. He would be no party to the passing of a measure which, there was every reason to believe that the House of Lords, if it maintained its consistency, would not sanction; and he, therefore, felt it his duty to vote with the hon. Member for the University of Dublin. Before he concluded, however, he must notice an expression which had fallen from the Solicitor General. The hon. and learned Gentleman said that all the evils of Ireland sprung from the land. It would be most unjust to allow such an assertion to pass uncontradicted. Were there not unhappily in Ireland differences of religious faith; did not an organisation exist most democratic in its nature; was there not a system of secret conspiracy flourishing in a majority of the Irish counties? The hon. and learned Member could not deny those facts; and when he attributed all the evils of Ireland to the tenure of land, he was guilty of an exaggeration and a misrepresentation, which it would not be right to allow to go forth uncontradicted. But if the tenure of the land in Ireland produced all these evils, why did they not exist in Scotland also? for the Government had this year confessed the faultiness of the tenure in Scotland, by the introduction of a measure to amend it. If, then, the tenure of the land produced all these evils in Ireland, he begged to ask the hon. and learned Gentleman why they did not exist in Scotland?

Mr. FAGAN hoped the Government would persevere with this measure, and particularly with that portion of it for which they were indebted to the Solicitor General. The importance of the measure would be at once perceived, when the House remembered that the land of Ireland was borne down by 3,000,000*l.* of encumbrance upon a rental which did not exceed 12,000,000*l.*, and particularly when it was considered that a large portion of the latter sum belonged to absentees whose land was not encumbered, and that, therefore, the whole of the encumbrance fell upon the resident proprietors. There were 34,000,000 of arable acres in England, which, by the labour of 1,000,000 persons, produced 150,000,000*l.* per annum; while, in Ireland, her 14,000,000 of arable acres was cultivated by 1,100,000 persons, and only produced 36,000*l.* per annum. He was pleased to find that owners and remainder-men were to be protected; and he hoped, as it was to be the only measure of the Session intended for the benefit of Ireland, the Solicitor General would manfully persist in it.

Colonel DUNNE opposed the Bill, because he did not think that it had been fairly introduced to the public or the House. As the Bill had been introduced by the hon. and learned Gentleman, it would have gone to the utter destruction of landed property in Ireland; and all the safeguards which had been since then added to it, had been the result of the suggestions of Irish Members. As to the principle of the Bill, he did not see why encumbered property in Ireland should be put upon a different footing from encumbered property in England. The Bill proposed to afford a remedy in cases in which the proprietors of land could not perform the duties incumbent upon them. But did absentees perform these duties? Did the great London companies, who held land in the north of Ireland, perform these duties? Why, then, did they propose by this Bill to meddle only with those cases in which the non-performance of duties was attributable to the encumbrances pressing upon estates? He looked to the facilities sought to be afforded for selling land in small parcels as fraught with the greatest evils. Surely it was absurd further to apply the principle of division of property to a country suffering under evils so many of which were to be attributable to the already too great subdivision of property. But besides this, the Bill was most uncertain and obscure in its provisions. He had asked the other night whether a tenant for life could sell an estate under its provisions? The hon. and learned Gentleman the Solicitor General did not give a distinct answer. The point, however, had been laid before a conveyancer; and his opinion was, that the Bill did entitle a tenant for life to sell the fee for his own benefit. He was sure that the measure would give rise to a vast deal of litigation, and that the expenses of conveyancing would not be reduced under the Bill. Allusion had been made to the disturbances and agitation unhappily existing in Ireland, as connected with the tenure of land. Now, he thought that no Irishman could deny that many of the evils which afflicted his country proceeded from bad government. Lord Clarendon had himself asserted that the system of government hitherto in force in Ireland was iniquitous. Let them look to the state of the country at this moment. Would any one say that the existing discontent rose solely from land? Were the men who were agitating — guiltily agitating that country—connected with land; or were the objects of their agitation connected with land? On the contrary, the disregard which had been so often shown in this House of the rights of property was one of the main causes of the evils which now afflicted Ireland. He was prepared to support the Government in suppressing dangerous agitation; but he could not vote for the Bill, as he believed that nobody would be benefited by its provisions.

Mr. PAGE WOOD thought the present Bill the most important measure of relief which had been proposed for Ireland during the Session. It appeared to him that the apprehensions which some persons entertained as to the probable consequences of the measure were entirely groundless. The Gentleman who sat as Member for Kinsale at the commencement of the Session (Mr. Guinness), but who was not now a Member of the House, gave upon one occasion a striking illustration of the miserable condition of property in Ireland. He stated that he had acted as receiver for an estate which produced a rental of 20,000*l.* a year, upon which only 200*l.* had been expended for repairs during eight or ten years. That was one of the enormous evils which it was the object of this Bill to remedy. The present Bill differed from the Bill sent down from the Lords in matters of arrangement and management, but not in principle. The Lords' Bill enabled owners of estates, first incumbrancers, and persons holding the title-deeds, to sell estates by process of the courts. The defect of that arrangement had been pointed out by the hon. Member for Dundalk. Another defect of the Lords' Bill was, that under it no sale could be had unless enough property should be sold to pay off the whole of the incumbrances. That was equivalent to saying that no sales should take place in cases where it was most desirable they should occur, namely, in the cases of estates heavily encumbered. It would be almost impossible to effect the sale of an estate encumbered to the extent of 300,000*l.* or 400,000*l.*; and he knew of such a case. The present Bill would effect the same object which was aimed at by the Lords' Bill, but in a different manner. Any encumbrancer would be empowered, upon giving notice to all parties interested, to put up an estate, or a portion of one, to sale, without being subjected to the inconvenience of applying to the Court of Chancery. It was supposed that this arrangement would open a door for fraud; but if persons were determined upon committing fraud, they could do so through the instrumentality of the Court of Chancery as well as in any other way. The tendency of the Bill was to encourage the outlay of capital, and that must do good. The chief recommendation of the measure was that it would give the persons possessing peculiar rights a remedy which at present they could not obtain. It happened to him once to be concerned in an Irish suit, and his client was the fifth incumbrancer. The prior incumbrancers obtained receivers over the best part of the property; and when his unfortunate client's turn came, his receiver was put over 300 tenants, each of whom held five or six acres. It was hardly necessary to say that the receiver received nothing. Under the present Bill a person in the situation of his client would be able to obtain a remedy. But the grand object of the Bill was, that all persons interested in encumbered estates in Ireland, instead of having their property wasted by litigation in Chancery, would be enabled to sell their property, and have their rights to their money determined in a more ready and expeditious manner than by a decree of that court. Considering the melancholy state of Ireland, they would ill perform their duty to that country if they interposed one moment's delay in passing a measure which appeared to him to be one of the most remedial that had been proposed in the present Session.

Mr. HENLEY said, the hon. and learned Gentleman, like the Solicitor General, had given the House a very large and general description of the advantages of this Bill, but had not attempted to grapple with the question which had been so ably raised by the hon. and learned Gentleman the Member for the University of Dublin. No doubt existed as to the necessity of legislation for clearing away the difficulties by which landed property in Ireland was surrounded; and the only difference between them was whether this Bill would do that effectually, or whether it would not endanger the rights of property, and therefore tend to do more harm than good. There were three classes of persons to whom this measure principally related—the owners, the remainder-men, and the incumbrancers, divided into the first incumbrancers and those who, unfortunately, came after them; and the House could not judge fairly of the operation of the Bill unless they looked as far as they could at the respective interests and positions of those various classes. The Solicitor General said no person could have so great an interest in the sale of an estate as the owner. No doubt that would be so if the owner had a large interest in the estate; but he might, within the terms of this Bill, have the most limited interest in it, as, for instance, an aged tenant for life of a heavily encumbered estate. There appeared to him to be no provision to guard against a collusive sale. Again, the estate might be sold when property was much depreciated; and when the money was paid into court, what chance would the remainder-men have of getting the surplus until the squabble between the incumbrancers for sharing the spoil was settled, and the expenses paid for out of the *corpus ?* Then the purchaser was not to have a title for five years, and during that time his money was to be locked up in court; and if a suit arose it might last for twenty years, and there must be a receiver, thus aggravating all those evils which were now so much deprecated. The Solicitor General spoke of the advantage this measure would produce, by breaking up the fee of land in Ireland into small bits; but the hon. and learned Gentleman the Member for Oxford said there was no evil so great as that of breaking estates into small pieces; and he illustrated it by saying that he had been engaged in a suit in which a receiver had been appointed over 300 tenants, holding five acres each, and that nothing could be got from them. They had on a former occasion heard the Solicitor General complain of there being only 8,000 freeholders in Ireland, and of the want of a yeomanry of a graduated kind; and he spoke of a mine of wealth being hid somewhere or other in that country, which this measure would bring out by breaking up estates into small pieces; but the hon. and learned Gentleman the Member for Oxford, on the contrary, said, that by selling large estates capital would flow into Ireland. Both those arguments could not be right. For himself he really did not know to which he should pin his faith. The hon. and learned Gentleman, moreover, had not told them what was to become of the incumbrancers, and particularly the second and third incumbrancers. How would they treat those persons who had lent their money on the faith of a different law ? The money was to be paid into the office of the Accountant General of the Court of Chancery in Ireland, and after three months was to be invested in the funds, so that the incumbrancer who lent his money at 5 per cent was to be paid off against his will, and his money was to be paid into Chancery, and could not be touched until all litigation, which would be sure to come upon these estates, was settled. The best way to improve Ireland was to give security for life and property; but if they fancied they could attain that object by striking at the root of all property they would be mistaken. They could not get the machinery for working this Bill without the Court of Chancery; and that court, like all other courts of justice, would set its face against the injustice attempted to be perpetrated by this Bill. It was of no use to try and get rid of claims without investigating them; and if they shook confidence in the security of property in Ireland, they would go far to throw out of that country the amount of English property that was already invested there. Even as it was the Queen's writ did not run in all parts of Ireland; and, with the difficulty there would be in carrying this law into effect, there was but little chance of capital coming into that country. There was property now in the market in Ireland to the amount of millions sterling, but there were no purchasers. He sincerely regretted that these latter clauses should have been added to the Bill.

MAJOR BLACKALL observed, that the only point in dispute was a matter of fact, whether the owner of a life interest in land had power to sell the whole estate. As he understood the Bill, he agreed with the hon. and learned Member for Dublin, that there was nothing to prevent the owner of a life estate from selling, to the detriment of the remainder-man. He regretted to see a disposition to encourage small proprietors and middlemen, who were known to be most exacting, yet to whom it was proposed to give the fee of encumbered property in Ireland, by way of raising up a better proprietary. He should support the Amendment.

MR. C. P. VILLIERS considered that the Solicitor General had already explained what powers would be conferred by the Bill upon the tenant for life ; and that he would have no right of disposing of the estate against the interests of the incumbrancer, or those in remainder, as the hon. Gentleman who spoke last had imagined. There had been peculiar care taken that all parties interested in the estate should have notice, and that they should not be substantially aggrieved in any way by the sale. The object and effect of this Bill was, as he understood it, to remove serious impediments and difficulties in the way of selling property encumbered by debt, and in the hands of persons unable to improve it; and, after hearing the clear and intelligent exposition of the Bill, as it was then framed, by the Solicitor General, and, after knowing what had been done respecting the sale of land in this country, in a somewhat analogous case, he looked upon the cry attempted to be raised against the Bill, upon the ground of a disregard of the rights of property, and neglect of interests springing out of settlement, or the obligations of debt, as one wholly unfounded, and as having other purposes than those professed. The Bill, so far as it might be said to deal with security, or charges on estates, not contemplated originally by parties interested, was in strict analogy to the provisions of an Act, now acknowledged to be highly expedient, respecting the purchase of land by railroad companies. A company could buy the land without any obligation of seeing to the application of the purchase-money, so far as that might be in trust; and at once use the land for the purpose for which it was bought, and without any risk as to title. Of course, much of that land so used by railways had been liable to mortgage, and the subject of settlement; but nobody thought of charging the Legislature with the invasion of rights of property, on account of this Act. Whatever objection applied to the Bill before the House, as alleged by some Irish Members, was equally applicable to the other, which was also in force in Ireland, where companies had purchased land under the Compensation Clauses Act. If this Bill was to pass, as his right hon. Friend intended it, and not to be mutilated to defeat its object, it would be one of the most important Bills for Ireland—and in its beneficial effects in that country of great advantage to England—that had yet been proposed. He must also view it as an English question; and he would wish to awaken the attention of English Members and English electors to its bearing upon that vast and increasing evil which was each year becoming less tolerable to them —he meant the support of the Irish poor. The frugal and industrious ratepayers of this country were every year becoming more burdened by rates, and less able to support their own poor, in consequence of the Irish who were unable to procure employment in their own country being driven over to be maintained here. But did anybody for an instant believe that Ireland would not afford ample employment for all her people, and more besides, if her land was properly cultivated—if it was only treated as was positively required to make it most profitable to the owner. Why, then, was this not done? Because the land was nominally in the hands of men who could not improve it. It actually belonged to mortgagees; or the rent was exhausted in paying charges upon it; or the tenure was such, that what was needed, in the first place, to make it more valuable, secondly, to give employment to the people, and thus check the amount and flood of pauperism, was impossible to be done. This Bill had then in view to give facilities to the sale of land, giving people power that had it not before, to force the sale, and giving something like a ready and secure title to the purchaser—which, if really accomplished, would, as he firmly believed, induce many purchasers with capital and knowledge to embark in the speculation of cultivating the land, and employing the people. In short, such importance did he attach to the effect of making land more accessible to improving purchasers, and by every means rendering the commerce in land free, that he did not hesitate to say, that even this approach to it by this Bill was the only really remedial measure that he had known proposed during the last fourteen years that he had had a seat in the House. It struck at the root of the evil in that country, namely, the want of capital, and the non-employment of the people, and gave, therefore, the only hope that he knew of changing the social condition of the country. A great deal was said about redundancy of population, and the necessity of emigration, and the importance of public works; but all these things were said in ignorance or disregard of the fact, that the land itself in Ireland wanted all the people that it was proposed to send away, and that no money whatever could be spent with half the advantage that it could in cultivating and treating the land generally as was now done in some few places there, and usually in England. It might be safely said that the land in Ireland was not one quarter cultivated, and that if common intelligence, with capital, was employed upon it, the produce would be double. He, of course, spoke not from his own experience, or from what he heard said by people in this country, but from what had been again and again said by competent Irish witnesses upon the many inquiries that had been instituted on the state of that country; and most especially under the late Land Commission presided over by Lord Devon. That Commission was appointed by the late Government; it was composed in a way to excite the confidence of landed proprietors themselves; and it was especially before this Commission that evidence was given of the miserable state of the culture of the land in that country, and of the vast field it offered for the employment of the people by the most ordinary and essential improvements. Let anybody read Captain Kennedy's evidence. Let them there learn the state of Lord Devon's property, when he undertook its management, and the results that had followed from it. Why, the people were there said to be redundant; the estate was said to be oppressed by people; but why? Because it was not drained, not enclosed, not treated in a manner essential for its profitable ownership. But his complaint, after draining and treating the estate as people do their estates in England, was, that there were not people enough! So it would be all over Ireland, if the same was done generally, but which never would be done if the land was for ever to be in the hands of encumbered proprietors, and if men of capital were to be shut out from its occupation. If he were not mistaken, Captain Kennedy had expressed an opinion that it would give bread to nearly 2,000,000 people for six years if the country was only properly drained. Even that preliminary to all good farming, then, while it enriched the country, would do more for supporting the people than all the schemes for emigration, and colonisation, and public works (paid for by the taxes) would do in the same time. He hailed, therefore, this measure as one calculated to attract capital to that country, and make Ireland more productive, and thereby to better the condition of the people; and as such it was a measure that deserved the cordial support of every honest and intelligent statesman.

Mr. J. STUART conceived that it was settled beyond dispute that the present state of the tenure of land in Ireland was one of the great causes of evil in that country; but he thought the present measure was calculated to continue those evils. Since the Bill came down from the Lords, clauses had been added to it which materially altered its character, and completely interfered with its avowed intention. The 28th Clause provided that no conveyance to a purchaser should prejudice or affect the rights of any lessee, tenant, or occupier in possession; that was to say, no middleman was to be disturbed. No matter how many under-lessees there might be, the purchaser was to take his conveyance subject to them all. He contended, that it was a farce to talk of buying an encumbered estate if they were compelled to buy it, accompanied with the encumbrance of these lessees. The purchaser of an estate, under this Bill, would be put in possession of an estate in the occupation of men with whom he had nothing to do. The Solicitor General said, that a tenant for life could not make a sale under this Bill; whilst the hon. and learned Gentleman the Member for the University of Dublin (Mr. Napier) expressed quite the contrary opinion. It was highly desirable that the conflicting opinions of the two hon. and learned Gentlemen as to the practical working of this measure should be set aside by a clear and intelligible enactment. The first set of clauses as they came down from the House of Lords would inevitably cause a vast deal of litigation; and the second set introduced by the hon. and learned Solicitor General would add to that litigation. The reason why Parliament was called upon to legislate was, that where estates were heavily encumbered, they might be easily and cheaply transferred to a purchaser. But this Bill would utterly defeat that desirable object, by entangling the purchaser in a complexity of claims which it would require years to settle in the courts of law. The 10th Clause provided that, as a preliminary to any sale under the direction of the Court of Chancery, there must be fourteen inquiries, which might occupy fourteen years. The end of such proceedings would be, that there would be endless litigation, and the purchase-money would go into the pockets of lawyers in the shape of costs. He believed that no man—not even an Irishman—would be so insane as to purchase an estate under this Bill. He meant no offence to the Irish Members. If they could frame a Bill which would give a purchaser what had been called "a railway title," or such as was given to the purchases made by railway proprietors, he, for one, would with pleasure vote for such a Bill. Such a measure would do wrong to nobody. If the Irish Members were content with the Bill, the most appropriate punishment that could be inflicted on them for their folly would be to pass it as it stood.

Mr. MONSELL said, the hon. and learned Gentleman, from the lofty eminence of his own intelligence, had affected to look down with contempt on Irish blunders; but there never had been delivered a speech which afforded less justification for an assumption of superior acuteness than that of the hon. and learned Gentleman. The learned Gentleman, and the other speakers against the Bill, had not taken into account the peculiar circumstances of Ireland. They might be very good arguments on an abstract question with regard to an utopia; but in the wretched condition of Ireland, they were not entitled to any weight. The real question for the House to determine was this—would the Bill as it came down from the House of Lords, and as the hon. and learned Gentleman the Member for the University of Dublin wished that it should pass the House, accomplish, or would it not, the objects they all had in view? It would be presumptuous for him (Mr. Monsell) to express his own opinion on a subject so encompassed with legal difficulties; but he held in his hand the opinion with reference to it of a solicitor in Dublin, which, with the permission of the House, he would read. That gentleman stated that the delay which now takes place in an equity suit would not be lessened under the Bill as it came from the House of Lords; the delay in the master's office would continue; and unless the clause introduced by Sir J. Romilly was allowed to stand, all the evils arising from encumbered estates would still continue. He asked if the hon. Gentlemen really knew the state of certain properties in Ireland, or if they were aware of the numberless cases in which estates had been wasted away in costs, and serious injuries inflicted, not only on the wretched occupants of those estates, but on their owners? The hon. and learned Gentleman had referred, in the course of his observations, to the evidence taken before Lord Devon's Commission; and if the hon. and learned Gentleman would be so good as to give him his attention, he would read a passage from the evidence of a gentleman who was not inclined to favour revolutionary ideas. Mr. Barlow, a Director of the Bank of Ireland, was asked—

> "Are we to understand that it is your opinion that the impoverished state of the tenantry of Ireland in a great degree arises from the impoverished state of the landlords?"

The answer was—

> "Yes, in a great degree: when the landlord of an estate is overloaded with debt, he must exact from the tenantry the highest rent they can give, and he cannot assist them in improving the land; the land must pass into the hands of capitalists, or the condition of the landlords must be changed, before we can expect to see much change in the condition of the tenantry."

When the House considered the condition of the tenantry of Ireland, must they not wish to provide a remedy for the present state of things? He was of opinion that not only would the condition of the tenantry be improved by this Bill, but that the condition of the owners of property would also be improved by it. The landlord was doomed to think, day after day, how he was to fulfil his engagements—he was in a perpetual struggle with adverse circumstances, and his condition was frequently more wretched than that of the most wretched tenant on his miserable estate. The hon. and gallant Gentleman the Member for Portarlington had spoken in reference to absenteeism, and as to absentees not discharging their duties; but he would remind the hon. and gallant Member that a great deal of this absenteeism was caused by the condition of property in Ireland. There were a large number of gentlemen in Ireland of ancient families, and of great consideration in the counties to which they belong, who from their distressed circumstances are not able to maintain their position at home, and in despair fly to England or to France, where they live as they can on the miserable remnants of their properties. Their pride would not allow them to live in Ireland in a state different from that in which their forefathers lived. Then with respect to the objection of his hon. and gallant Friend to small properties, all this measure proposed to do was to remove the trammels on property; but it did not insist upon property being sold in small quantities. It appeared to him that the notion of small properties was confounded with the idea of small farms; but the two things were not to be mixed up together. Nothing, he admitted, could be more unfortunate than the condition of the miserable cottier in Ireland; but to say he disliked that system was no reason why he should not wish to see property in the hands of small proprietors who would farm that property themselves. This Bill, however, did not oblige them to have small properties. In conclusion, he begged to express his conviction that this measure was most necessary, and that the House, by passing it, would lay the foundation for the future prosperity of Ireland.

On the question that the words proposed to be left out stand part of the question,

The House divided:—Ayes 197; Noes 52: Majority 145.

List of the AYES.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Alcock, T.
Anson, hon. Col.
Anstey, T. C.
Armstrong, R. B.
Bagshaw, J.
Bailey, J.
Baines, M. T.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Bellew, R. M.
Benbow, J.
Berkeley, hon. Capt.
Berkeley, hon. C. F.
Bernal, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Bowles, Adm.
Bowring, Dr.
Boyle, hon. Col.
Brackley, Visct.
Brockman, E. D.
Brooke, Sir A. B.
Brotherton, J.
Brown, W.
Browne, R. D.
Buller, C.
Bunbury, E. H.
Butler, P. S.
Campbell, hon. W. F.
Cavendish, hon. G. H.
Chaplin, W. J.
Charteris, hon. F.
Christy, S.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Cobden, R.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Coles, H. B.
Corbally, M. E.
Corry, rt. hon. H. L.
Courtenay, Lord
Cowan, C.
Cowper, hon. W. F.
Cubitt, W.
Dalrymple, Capt.
Dawson, hon. T. V.
Deedes, W.
Denison, J. E.
Devereux, J. T.
Drumlanrig, Visct.
Duff, G. S.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Ewart, W.
Fagan, W.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Glyn, G. C.
Goddard, A. L.
Gore, W. R. O.
Graham, rt. hon. Sir J.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Heathcote, Sir W.
Heneage, E.
Henry, A.
Herbert, H. A.
Heywood, J.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hood, Sir A.
Hornby, J.
Howard, hon. E. G. G.
Howard, P. H.
Hutt, W.
Jervis, Sir J.
Jocelyn, Visct.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lemon, Sir C.
Lennox, Lord H. G.
Lewis, G. C.
Lincoln, Earl of
Littleton, hon. E. R.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
M'Taggart, Sir J.
Mangles, R. D.
Manners, Lord G.
Marshall, J. G.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Monsell, W.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mullings, J. R.
Noel, hon. G. J.
Norreys, Lord
O'Connell, M. J.
Ogle, S. C. H.
Osborne, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Perfect, R.
Peto, S. M.
Philips, Sir G. R.
Pilkington, J.
Pinney, W.
Price, Sir R.
Pusey, P.
Raphael, A.
Repton, G. W. J.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Richards, R.
Robartes, T. J. A.
Robinson, G. R.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Scholefield, W.
Scully, F.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, M. T.
Smith, J. B.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Sullivan, M.
Talbot, C. R. M.
Talbot, J. H.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townley, R. G.
Townshend, Capt.
Turner, E.
Verney, Sir H.
Villiers, Visct.
Villiers, hon. C.
Vivian, J. H.
Walter, J.
Ward, H. G.
Watkins, Col.
Wawn, J. T.
Willcox, B. M.
Wilson, J.
Wilson, M.
Wood, rt. hn. Sir C.
Wood, W. P.
Wyvill, M.
Young, Sir J.

TELLERS.

Tufnell, H.
Craig, W. G.

List of the NOES.

Archdall, Capt.
Barrington, Visct.
Bateson, T.
Bentinck, Lord G.
Beresford, W.
Blackall, S. W.
Boldero, H. G.
Brisco, M.
Broadley, H.
Buck, L. W.
Buller, Sir J. Y.
Chichester, Lord J. L.
Cole, hon. H. A.
Dick, Q.
Dodd, G.
Dunne, F. P.
Du Pre, C. G.
Farnham, E. B.
Ferguson, Sir R. A.
Filmer, Sir E.
Floyer, J.
Fox, R. M.
Fuller, A. E.
Grogan, E.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hayes, Sir E.
Howard, Sir R.
Hudson, G.
Ingestre, Visct.
Jones, Capt.
Lowther, hon. Col.
Mandeville, Visct.
Miles, W.
Newport, Visct.
O'Brien, Sir L.
Packe, C. W.
Rolleston, Col.
Sadlier, J.
Sandars, J.
Sibthorp, Col.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Stuart, H.
Urquhart, D.
Vesey, hon. T.
Vyse, R. H. R. H.
Waddington, H. S.
Walsh, Sir J. B.
Willoughby, Sir H.

TELLERS.

Newdegate, C. N.
Henley, J. W.

Main question agreed to.
Bill to be read a third time.

CORRUPT PRACTICES AT ELECTIONS BILL.

LORD JOHN RUSSELL moved the Second Reading.

COLONEL SIBTHORP hoped that the noble Lord would not at that hour of the night proceed with a Bill of so complicated a character, which in his judgment it was impossible properly to consider during the present Session. The period could not be far distant when a prorogation must take place, and, therefore, to suppose it possible to carry such a measure was out of the question. What had the present Government done since November? They had promised everything, but done nothing. He did not hesitate to say that a more incompetent, a more deceitful, or, as the hon. Member for Youghal had said, a more "hollow and treacherous" Ministry had never occupied the Treasury benches. But what had that House done? Since the month of November, 70 public Bills had been introduced, of which 10 were withdrawn; and 44 Bills had been introduced by private Members, of which 15 had been withdrawn; and many of these Bills had been measures of great importance. This Bill, if it were to be read a second time to-night, could not pass both Houses at an earlier period than three weeks. He objected to it, therefore, because of the late period of the Session at which it had been brought in; he objected also to its complicated machinery, and to its partiality. He objected to the Bill because there was to be a secret and a scandalous inquiry into the private concerns not only of the constituency, but of Members of Parliament, their characters and conduct, who were liable to be summoned before the Commission. He felt it to be his duty to reject this Bill *in limine*, and he should move that it be read a second time that day six months.

MR. BANKES, although he entirely concurred in many of the observations of his hon. and gallant Friend, could not concur in his present Motion; because, though he might object to the details of the Bill, he considered the principle of the measure to be so great an improvement upon the Bill which had been withdrawn, that he rejoiced at the discretion the noble Lord had used. It was but fair to state that their object had been, not to screen delinquency, but that the inquiry should be fairly and fitly conducted; and, now that they had a Bill which gave a hope of such fair and proper inquiry, they gave it a ready acquiescence. For himself, he was satisfied in giving his decided support to the present stage of the measure, though he believed they must look to another Session of Parliament for the remedial operation of the Bill, which could have no operation this Session; and he hoped, therefore, when the noble Lord introduced this Bill, he had made up his mind not to withhold the writs for the places now deprived of representatives. As to the borough of Derby, it did appear to him that no case had been made out which would justify the House in withholding the writ; and unless very strong circumstances were shown with regard to Leicester, he should say the same of that borough. As to the time at which the present measure was to come into operation—though the noble Lord might be disposed to pass it with as little delay as possible—yet it was to be hoped that the Bill would not take effect during the present Session. He regretted that the noble Lord had not earlier turned his attention to the subject, for it scarcely was it becoming in him, as Prime Minister, to bring forward a measure which he did not fully approve. He hoped, however, when they got into Committee on the Bill, they would be able, with the aid of the noble Lord, to remedy its defects. He would not, however, conclude those brief observations without protesting against treating being considered as equivalent to bribery. It might be necessary to restrain treating; but there was no necessity for confounding it with bribery. He had only to add, that he should support the Bill of the noble Lord.

LORD J. RUSSELL said, the hon. and gallant Member opposite had referred to him respecting the measure now before the House, and had accused him of bringing forward the Bill. Greater justice, however, had been done to him by the hon. Member for Dorsetshire, who gave a more correct version of the facts. For many years past he had taken great part in the inquiries which had been instituted into that class of subjects respecting which it was now proposed to legislate; and he well knew the invidious nature of the task imposed upon those who undertook to bring forward measures of that class; it was, therefore, unwillingly that he applied himself to the subject. The hon. Gentleman who last addressed the House had told them that he (Lord J. Russell) did not agree with the arguments put forward by those who originally supported the Bill; and that he did not concur in the views entertained by the hon. Baronet the Member for the Flint boroughs. To this the only reply he thought it necessary to make was, that, upon a subject of such a nature, it appeared to him most desirable to obtain as much agreement as possible; and, thinking the Bill sufficient for its purpose, he had consented to support it. As the hon. Gentleman opposite said they had no desire for bribery, he hoped they would support the Bill. He framed it in its present shape, believing it to be the best that he could under the circumstances hope to carry; and, as he had not been convinced by the arguments urged against the Bill, he could hardly do otherwise than persevere in proceeding with it. Though the hon. and gallant Member as well as other Gentlemen present were opposed to the Bill, yet he believed the great majority of the House were willing to go into Committee, and consider its details. This being, as he fully believed, the sense of the House, he considered it was not reasonable to move an adjournment of the debate. He had been accused of bringing forward the Bill on the 20th of July. But if he had not done it then, he must have brought it forward at a still later period of the Session.

Mr. HUDSON observed, that they were about entering upon an inquiry into the conduct of certain boroughs. If they shewed that they were in earnest, he would be willing for his part to make a return of the expenses that he had incurred at the last election; and if other Gentlemen did the same, it would greatly facilitate the proposed inquiry. He could not understand why the boroughs regarding which petitions were presented, should be the only places subjected to investigation. He should support the Amendment moved by the hon. Member for Lincoln; and he believed that the noble Lord himself would be glad to get rid of the Bill.

Mr. MILES supported the second reading. There had been a feeling in the country formerly that Election Committees did not do their duty; but after what had recently taken place the same feeling could no longer exist. He disliked the previous measures which had been introduced on this subject; but he thought such a Bill as the present necessary; and, without pledging himself to all the details, he hoped that it might be made a good Bill in Committee.

Mr. ANSTEY, after some observations, consented to withdraw the Motion, adding that his objections to the principle of the Bill remained unaltered. If it passed, it would be a reflection upon the reports of judicial tribunals, that is to say, the Committees by whom the petitions from the places named in the schedule had been tried. Not one word had been said by the noble Lord or by the hon. and learned Gentleman (the Attorney General) concerning the borough of Horsham. Yet it was a matter of notoriety that at the present assizes for the county of Sussex a *qui tam* action was pending, in which an informer was the plaintiff, and Her Majesty's Attorney General the defendant! It was not consistent with the dignity of the Government or its officers that such an inquiry should be left in such hands; and what did it suggest? Either that the noble Lord was not sincere in the wish he professed to scrutinise the malpractices of the late Ministerial Member for the borough of Horsham; or that the proposal of this Bill, recommended by the noble Lord, was backed from the additional consideration, that if it passed there would then be accorded to the defendant in that action a powerful reason for moving the court to postpone the trial. ["Hear!" and *loud cries of* "Divide!"] These were circumstances which those hon. Members who cried "divide" would do well to remember, because they afforded reasons for demanding the postponement of this Bill until a Sussex jury had given its verdict in the action against the Attorney General. On looking over the schedule in this Bill, he observed that the few boroughs in it which were charged with bribery and corruption were boroughs represented by the great Reform party opposite, the more immediate adherents of the Government. The inquiry which the Bill proposed was one that would last for a long period of time. It would be one commencing with the earliest time, and ending with the year 1848. But he could not avoid directing observation to one point. In some instances, as in the case of Leicester, the Committee had recommended that there should be further inquiry; and the recommendation was not acted upon. The Members returned were supporters of the noble Lord. In other cases, as in that of Great Yarmouth, the recommendation was acted upon; but the sitting Member in that instance sat on the opposition side of the House. Probably the noble Lord hoped to gratify the great Reform party with a small measure, in requital for the great disappointment he had recently given them, and so had reserved those cases which might please them; for, in the plentitude of his power, he had granted further inquiry into cases in which the Committee had not recommended it. But he (Mr. Anstey) objected to the Bill on four grounds. In the first place, because it had an *ex post facto* operation, which was contrary to the spirit of English law. In the next place, because its operation was partial, being confined to certain boroughs and constituencies, and not extended to all. In the third place, because it was confined in its operation to those boroughs and other constituencies, the disfranchisement of which seemed to be desired by a certain party in the House, whilst every other was excluded. And in the fourth place, because its principle was not uniform, it proceeding in one instance upon a principle which, in another place, it denied; receiving hearsay evidence in one part, which it rejected in another. There seemed to be a suspicious inconsistency in leaving London out of the proposed inquiry. For if rumour told truth, the noble Lord had undergone enormous expenses in his election, in which hundreds of pounds went for nothing, and in which the entire expenses, he (Mr. Anstey) believed, were upwards of 30,000*l*. Did the noble Lord mean to deny that the principal contributor to that fund was the great representative of the monied interest before which the noble Lord cowered? Did he mean to deny that rumour—and more than rumour, although there were laws of libel and slander which it was dangerous to infringe—could he deny that men had had the courage out of the House, on their responsibility to the law and to society, to denounce the fact, and to point to the very men who had received the rewards they had earned by voting for the noble Lord and Baron Rothschild? Would the noble Lord grant an inquiry into the condition of the city of London? Then the witnesses under his indemnity clause might come forward and identify themselves. But there seemed to be something of playing fast and loose in the affair. It seemed that mere rumour was sufficient, in some instances, to cause the institution of an inquiry for the purposes of disfranchising freemen; but it was not sufficient to set on foot an inquiry which might fix a stigma on the character and conduct of a great Minister of State.

The House divided on the question, that the word "now" stand part of the question:—Ayes 216: Noes 9; Majority 207.

[It will be sufficient on the division to give the Noes only.]

List of the NOES.

Anstey, T. C.
Archdall, Capt.
Halsey, T. P.
Hobhouse, T. B.
Hodgson, W. N.
Mandeville, Visct.
Somerset, Capt.
Urquhart, D.
Vyse, R. H. R. H.

TELLERS.

Hudson, G.
Sibthorp, Col.

Bill read a second time.

PLACES OF WORSHIP SITES (SCOTLAND) BILL.

MR. BOUVERIE moved that this Bill be read a Third Time.

SIR J. GRAHAM thought this would be a good opportunity for showing to the country that, without needless prolongation of discussion, they could come to a decision upon an important subject; and, as the question had been several times debated, and he had so often stated his opinion on it, it would be inexcusable in him if he were to detain the House at any length upon this occasion. He was sorry the Home Secretary had left his place, because he fully relied on his support; but he saw the Lord Advocate, and was sure he would vote with him (Sir J. Graham) against the third reading of the Bill. A certain sect in Scotland, which had arisen only within the last five years, had built 750 churches, and desired to build about 30 more; and about 10 proprietors refused them the accommodation which they required for that purpose. To meet this case the proposition submitted to Parliament was, that any set of persons calling themselves a religious congregation might come upon the estate of any proprietor, and, subject to certain safeguards which he would not detain the House by enumerating, choose any site which they might think most convenient for their purpose. They were then to go to the Court of Session, which was to send the sheriff to inspect the locality; and, if that officer should be of opinion that the site selected was a convenient one, he had the power of setting it out, and the owner of the estate was compelled to take the price which might be agreed on for his own property, thus taken against his will; and, if the site selected should be close to his residence, he must nevertheless give it up. The other Dissenters in Scotland, except the sect in question, were opposed to the measure. What was the opinion of the Dissenters of England? The hon. Member for Stockport, speaking in their name on a former occasion, said that this measure was contrary to the voluntary principle, and that they were opposed to it. Now, with respect to the Church of England — that Church in the plenitude of its power, and notwithstanding what was termed its Erastian connexion with the State, never arrogated to itself any authority similar to that which was claimed for the sect for whose benefit this Bill was introduced. What would be the use of the power which it was proposed to confer upon the Free Church sect in Scotland? A case came recently before the Court of Session arising out of these circumstances. A short time ago, the proprietor of Dunsinane gave to the Free Church sect a portion of the village green. The proprietor subsequently died, and the Free Church proceeded to enclose the whole of the green. The villagers, looking on this as an encroachment on their rights, pulled down the palings. The case was brought before the Court of Session, and judgment was given for the villagers, against the Free Church. It was unnecessary to detain the House longer. The Bill was objectionable in principle; it was altogether unnecessary, and he recommended the House to arrest its progress. With that view, he moved, as an Amendment, that the Bill should be read a third time that day six months.

Mr. BOUVERIE said, that his right hon. Friend had not given a correct description of the provisions of the Bill. When the appeal was made to the Court of Session, that tribunal had authority to award costs against the parties making the application, in the event of its being refused. If the Court should determine on granting the application, it would then send the sheriff to look at the site selected, and, if he disapproved of it, he was authorised to fix upon another which he might think better. The main fact upon which Parliament was called upon to legislate was this—that a number of congregations were in the constant habit of meeting for religious worship in places and under circumstances injurious to the health of the people and their ministers, and in a manner which was not in accordance with religious liberty. A congregation in one of the Hebrides, an island larger than the Isle of Wight, was unable to obtain a square inch of ground for the erection of a church. It appeared to him that his right hon. Friend had somewhat altered his tone on this subject, for on the 8th of June he said, that " though he would not go the length of saying that legislation might not be necessary in the last resort, he objected to the legislation proposed by the present Bill; he thought that the object ought to be effected by private, not by public legislation, because then each case would stand on its own substantive grounds." The difficulties in the way of legislating by private Bills were invincible, and, after all, there was little technical difference between public and private Acts of Parliament. The investigation before the Court of Session would be more satisfactory than that which could take place before the tribunal to which private Bills were referred.

The LORD ADVOCATE intended to vote against the third reading of this Bill, because it was a general and not an exceptional measure. To say that justice might be done by leaving the parties to prosecute their remedy by private Acts of Parliament was a mere mockery and a denial of justice; but when, instead of making it applicable to one denomination, the measure was extended to all, he must object to it. He was sorry the right hon. Gentleman, in speaking of the Free Church, which had unquestionably met with great grievances, and which he thought had been almost admitted by the right hon. Gentleman, had referred to any particular case; but it should never be forgotten, even by those who voted against the third reading of this Bill, that there was one parish in Scotland every inch of which belonged to a noble Lord, and not only had he refused a site, but had also refused to 500 parishioners, against whose character, good feeling, and propriety of conduct not one word could be said, liberty to worship God in the open air, even on a barren moor; and, if he were not mistaken in the fact, the noble Lord had taken out an injunction against their meeting there, and had obliged them to worship God during the whole inclement winter season on the high roads. That was a strong case, and he would mention this fact, that until such time as the noble Lord felt he was bringing too hard upon himself public observation, and they had proposed to receive the sacrament under the inclemency of those northern skies in the middle of winter, the noble Lord did not consent to give them a place for performing that solemn ordinance of their Church. They were advised not to accept that compliment, being told that the noble Lord would be obliged to give them a better place of worship; but that sect, so much abused for its violence (and he dared say there had been violence), did upon that particular occasion receive that accommodation in the hope that from the action of public opinion the noble Lord might be brought to regard the Free Church with more favourable feelings, and might be disposed to grant them sites.

The House divided on the question, that the word "now" stand part of the question:—Ayes 59; Noes 98: Majority 39.

List of the AYES.

Adair, R. A. S.
Baines, M. T.
Bowring, Dr.
Brotherton, J.
Buller, C.
Bunbury, E. H.
Chichester, Lord J. L.
Childers, J. W.
Clay, J.
Clifford, H. M.
Cobden, R.
Cowan, C.
Cowper, hon. W. F.
Davie, Sir H. R. F.
Duncan, G.
Dundas, Adm.
Ewart, W.
Ferguson, Col.
Fox, R. M.
Greene, J.
Hastie, A.
Hastie, A.
Henry, A.
Heywood, J.
Hindley, C.
Hodges, T. L.
Howard, hon. C. W. G.
King, hon. P. J. L.
Locke, J.
M'Gregor, J.
McTaggart, Sir J.
Mangles, R. D.
Marshall, J. G.
Matheson, Col.
Melgund, Visct.
Milner, W. M. E.
Morpeth, Visct.
Morris, D.
O'Connell, M. J.
Ogle, S. C. H.
Paget, Lord A.
Paget, Lord C.
Pechell, Capt.
Perfect, R.
Pigott, F.
Pinney, W.
Raphael, A.
Reynolds, J.
Rich, H.
Scholefield, W.
Smith, J. B.
Somerville, rt. hon. Sir W.
Stuart, Lord D.
Talbot, C. R. M.
Thicknesse, R. A.
Thornely, T.
Ward, H. G.
Watkins, Col.
Wawn, J. T.

TELLERS.
Bouverie, hon. E. P.
Maule, rt. hon. F.

List of the NOES.

Acland, Sir T. D.
Anstey, T. C.
Archdall, Capt.
Bagot, hon. W.
Bailey, H. J.
Bankes, G.
Barrington, Visct.
Benbow, J.
Bentinck, Lord G.
Beresford, W.
Brackley, Visct.
Bremridge, R.
Brisco, M.
Brooke, Lord
Brooke, Sir A. B.
Carew, W. H. P.
Chartres, hon. F.
Christy, S.
Clerk, rt. hon. Sir G.
Cocks, T. S.
Cole, hon. H. A.
Courtenay, Lord
Deedes, W.
Dodd, G.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncuft, J.
Dunne, F. P.
Du Pre, C. G.
Edwards, H.
Elliot, hon. J. E.
Ferguson, Sir R. A.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Floyer, J.
Fuller, A. E.
Galway, Visct.
Gordon, Adm.
Goring, C.
Grogan, E.
Gwyn, H.
Haggitt, F. R.
Halsey, T. P.
Hamilton, G. A.
Heald, J.
Heathcote, Sir W.
Henley, J. W.
Hervey, Lord A.
Hobhouse, T. B.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Howard, P. H.
Hudson, G.
Legh, G. C.
Lennox, Lord H. G.
Lincoln, Earl of
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Mandeville, Visct.
Masterman, J.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Monsell. W.
Mostyn, hon. E. M. L.
Mullings, J. R.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Norreys, Sir D. J.
Packe, C. W.
Palmer, R.
Pilkington, J.
Powlett, Lord W.
Ricardo, O.
Richards, R.
Rolleston, Col.
Romilly, Sir J.
Rutherfurd, A.
Sandars, J.
Seymer, H. K.
Simeon, J.
Smith, M. T.
Somerset, Capt.
Spearman, H. J.
Spooner, R.
Stafford. A.
Stuart, H.
Sturt, H. G.
Thompson, Col.
Urquhart, D.
Villiers, Visct.
Vyse, R. H. R. H.
Waddington, H. S.
Willoughby, Sir H.
Young, Sir J.

TELLERS.
Graham, Sir J.
Inglis, Sir R. H.

Bill put off for six months.

BILL TO CONSOLIDATE THE METROPOLITAN COMMISSIONS OF SEWERS.

VISCOUNT MORPETH said, that he should certainly have been very happy to have extended the whole of the provisions of the Public Health Bill to the metropolis, and to have extended the principle of representation which was adopted in that Bill. But he felt great difficulty, in a community which comprised upwards of two millions of inhabitants, in having proper representation, or applying the provisions of the Bill; especially where the natural direction of the drainage was not found to correspond with the boundaries and divisions of unions, parishes, or districts. Under these circumstances, he did not find himself able to introduce such sweeping alterations in the present sewage commissions as to put them on the representative basis which he desired. The drainage of the metropolis was at present vested in seven commissions, besides the Regent-street Commission. It was now proposed to include the city of London in the guardianship of a general Commission, and to put it under the same rules as have been applied to the outlying districts. The provisions of the Bill would enable works of public drainage to be carried on by the united Commission; to which powers, in conformity with the Public Health Bill, would—as to house drainage and the removal of nuisances—be given. The principle would be adopted of spreading all charges for permanent operations over long spaces of time, say thirty years, so as to make the burden less felt. He also proposed that the parties to be intrusted with sewerage operations should remain a Commission appointed by the Crown. The important work of devising drainage would be thus put in the hands of the best persons, able to undertake the responsibility; and it would be enacted that this Commission should report annually to Parliament. Thus the body would be brought under the direct control of the Legislature. He proposed also to limit the duration of the Commission to two years. These were the leading features of the Bill, for leave to bring in which he had now to move.

MR. C. ANSTEY would divide the House against the Motion. The House divided, but only thirty-two Members being present, it stood adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, July 21, 1848.

MINUTES.] PUBLIC BILLS.—2° Consolidated Fund. 3ª and passed:—Appeals on Civil Bills (Dublin).

PETITIONS PRESENTED. By Lord Stanley, from several Members of the Independent Order of Odd Fellows, Manchester Unity, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From High Sheriff and Grand Jurors of Meath, that the Act 28 Geo. III. Cap. 37, may be again put in force for the Better Protection of Agricultural Produe.—By Earl Fortescue, from Guardians of the Honiton Union, in favour of a more Extended System of Emigration.

STATE OF IRELAND.

The EARL of GLENGALL said, he had felt it his duty, as a representative Peer of Ireland, to give notice of a Motion which he had intended to propose to-day; but, in consequence of its having been intimated in another place that Her Majesty's Government contemplated certain measures for the preservation of the public peace and the maintenance of the Royal authority in Ireland, he begged leave to ask the noble Marquess whether it was the intention of Her Majesty's Government to suspend the Habeas Corpus Act in Ireland? — because, if such were the case, he should feel himself precluded from entering into those details which he should otherwise have thought it necessary to bring under the notice of the House. He was quite prepared to go on with his Motion; but as he understood the proposition to which he had alluded would be made to-morrow, he was prepared to abstain from pressing that Motion at present; and he should have the less hesitation in following such a course, if the measure to be proposed by Her Majesty's Government were of the nature which he was led to suppose, because he was perfectly satisfied that the suspension of the Habeas Corpus Act would go far to remedy the evils from which Ireland was now suffering, and so secure the object of his Motion.

The MARQUESS of LANSDOWNE said, the noble Lord at the head of the Government had given notice in the other House of Parliament that it was the intention of Her Majesty's Government to introduce a Bill to empower the Lord Lieutenant, or other chief governor of Ireland, to arrest and detain, till the 1st of March, 1849, such persons as he or they should suspect of conspiracy against Her Majesty's Government in Ireland. The Motion, however, of which the noble Earl opposite had given notice was an important one, and if he thought proper to proceed with it, an opportunity would thus be given to Her Majesty's Government to make such statements and explanations as might be thought necessary.

The EARL of GLENGALL said, considering the condition in which the people of Ireland were placed, and the position in which the loyal and those who were well affected to the Crown and constitution stood, under the existing state of things, he felt it his duty to place upon the Order-book of their Lordships' House the notice of Motion which stood in his name for that day. It was—

> "That an humble Address be presented to Her Majesty for Copies of Reports from the Stipendiary Magistrates, Constabulary Officers, and Police, respecting the formation of Clubs in Ireland since the 1st March, 1848."

That Motion he now begged leave to make. It was well known to their Lordships, and to the public, that for some time past an organisation of a most formidable character had been proceeding in Ireland; that clubs had been organised in all directions for the avowed and well-known purpose of subverting the Queen's Government and the existing constitution, and establishing in that unfortunate country a republic. It was, perhaps, also well known to their Lordships that, shortly before the death of the late Mr. O'Connell, a schism took place between those persons who advocated repeal, and attended at Conciliation Hall. The movement party of that society were dissatisfied with the measures taken to repeal the Union, and they considered that mere moral force was insufficient to effect the purpose. They accordingly separated; and, in order to carry out their objects, they established those societies all over the country. He regretted to say that their efforts had been most successful; that those clubs had been established in almost all the large towns and cities, in many of the smaller towns, and even, he regretted to say, in many of the villages. In many of the large towns, in the south of Ireland especially, the principles of these clubs were the same as of those which had done so much mischief in Paris; they were neither more nor less than Jacobin clubs; their objects were to effect revolution, the subversion of all order, and the division of these countries into separate kingdoms. The organisation which took place in Dublin in the spring was of a very serious nature. A considerable number of clubs were then organised, and it was openly announced that it was the intention of the parties forming them to rise and attempt to take the city of Dublin. The preparations, however, which were made by the Lord Lieutenant were of so admirable a character that they undoubtedly put a check to that movement. The preparations, also, that were made by the loyal and well-affected were of a most determined character, for they armed themselves, and formed bodies of special constables, and showed themselves resolved to prevent any outrages on property or persons by the insurgents, had they shown themselves in the streets. No one knew the preparations which had been made to repress the insurgents better than he (the Earl of Glengall), because he was himself engaged in the organisation; and it was as much to the determination shown by the well-disposed and loyal who had so organised themselves as to the preparations made by the Lord Lieutenant, that they were indebted for the maintenance of peace and tranquillity. And then he begged to take the opportunity of stating, that almost every man in Ireland who was well affected and loyal to the British constitution placed in the present Lord Lieutenant of Ireland the most unbounded confidence. They were perfectly satisfied that that noble Lord would act up to the full extent of the powers intrusted to him. That he had done so they fully admitted; but they maintained that he had not powers sufficient at the present moment to meet the emergency. He (the Earl of Glengall) felt satisfied that nothing short of suspension of the Habeas Corpus Act would enable that noble Lord to put those persons down. He was justified in making that assertion, because he knew as well as any man what had taken place in the country, having resided in it for forty years, and having, during that time, given every attention possible to what was passing in it. When the organisation of the loyal took place, and those persons who were leaders in the organisation of the clubs, found that the preparations made to prevent insurrection were too strong to give them any hope of success, they changed their tactics, and set about organising the country; and that, too, he regretted to say, with very great success. The principal leaders of the Dublin clubs went down to the south of Ireland, and through the whole of the country, and organised that description of societies—societies which openly, and plainly, and avowedly said that they intended to subvert the British power in Ireland, and to separate Ireland from England. If that was not treason, he knew not what treason was. But they had other intentions, as well as those he had mentioned. Their determination was to create a social as well as a political revolution. Their intention was to destroy the present regulation and possession of property in that country—to change its owners; and that they told plainly to the world in the proclamations they had issued, and in the speeches they had made. They said it was their determination to root out Irish landlords. They said, "Eight thousand have usurped this gift of Providence to the exclusion of eight miltions. Can these eight thousand hold it much longer, against the awaking intelligence of the millions? To root out Irish landlords and exterminate landlordism—to eradicate, root and branch, out of the island the English landlords and the English garrison, should be the *punctum saliens* of Irish liberty. 'Extermination of Irish landlordism' should be the pass-word of any army of independence—the constant theme of the clubs—the first deliberation of the Council of Three Hundred." They said, that those eight thousand Irish landlords formed the English garrison; for they asked, "Who were the English garrison?" which they answered by saying that they were the Irish landlords, who possessed the land of the country. And it should be observed, that those were chiefly the Protestant aristocracy, upon which subject he would have to offer a few observations before he concluded. But the clubbists went on to say, "This garrison must be stormed and put to the rout, before the island can be liberated." They said, "Let it not be forgotten, then, that the land question is of the first importance—that it is the only question to fight for. It is not a shadow, but a substance. It is not like the *ignis fatuus* of 'glorious '82,' but a solid and substantial boon." And how were those measures to be carried out? In the same proclamations they were told that they were to be carried out by pikes and blunderbusses. He (the Earl of Glengall) did not think it necessary to trouble their Lordships with a variety of speeches and details of the same description. He took it for granted that, through the medium of the public journals, they had been made acquainted with the intentions of these people, and that these intentions were decidedly treasonable there could be no doubt. But they were not satisfied with desiring the many to arm. Not only had they practical instructors going about the country, and teaching the people military organisation and military manœuvres, but they gave instructions to women to procure hoops, which they were to encircle with tow, to sprinkle with turpentine, and, having set fire to them, to throw them upon the military. They told the women to exterminate the military wherever they should appear. But it was impossible for treason to go farther than this: that at one of the late meetings in Cork, one of the principal leaders of those societies passed in review several thousand men. They marched in regular military order, and were reviewed in exactly the same manner as soldiers were; and that took place in Cork shortly after the individual who reviewed them had been acquitted, or rather not acquitted, but had not been found guilty upon his trial for sedition. In various parts of the country, multitudes were got together in regular military array; and it generally happened that the chairmen, secretaries, and other leaders in the clubs, were the officers commanding the organisation. Attempts also had been made to promote excitement in foreign countries on the subject of this proposed insurrection. In America, regular subscriptions had been entered into for the purpose of obtaining arms for the Irish Confederation. At Paris, at that moment, existed a club called the Irish National Committee, whose placards were posted in the streets of Paris, in which proclamations they called upon the French people to aid them in crushing British supremacy in Ireland, and to assist in the work of subverting the British empire. The proclamation, after appealing to the French people for aid, said, in the main, the whole of the people in Ireland were not inactive, but that proper organisation and arming were being carried on, and that before next autumn the English would be put down. It then proceeded to state, if they should fail, all France must deplore the fate of a people who had perished in endeavouring to free themselves. It added, "It was for Frenchmen to determine whether they would become the ally of their well-known old enemy England, or the friends of a people who had ever been faithful allies to them." This paper was signed, "James Mahony, President of the Paris Irish National Political Union." The House must be fully aware that a large correspondence passed from time to time between the two countries; and he had reason to believe that persons in France connected with the last insurrection, which had deluged Paris, and other places, with blood, were in direct connexion with those who were exciting an outbreak in Ireland. It was in consequence of these events that seventy-one Peers and Members of Parliament thought it necessary to meet and sign a requisition calling on Her Majesty's Government to take immediate steps to put down this threatened insurrection. This memorial was presented to the hon. Secretary for the Home Department; and he very much regretted that the reply of the right hon. Gentleman, in his declaration, was anything but satisfactory. It was in consequence of the reply thus given by the Home Secretary that he had felt it to be his duty to bring forward this Motion. Up to the present moment, what had Her Majesty's Government done towards suppressing this threatened outbreak? They had proclaimed only certain counties, or parts of counties, up to a few days ago, and one or two of the large cities. They had also prosecuted three of the principal leaders of this threatened insurrection, and another individual had been arrested who was a printer of seditious publications. Now, let them see what had been the effect of the proclamations which had been issued under the recent Act, by which certain districts were placed within its operation. Noble Lords might suppose that districts proclaimed under the new Coercion Bill were exposed to extreme severity — in short, something approaching to martial law, or some other very stringent measure. This, however, was by no means the case. It only gave power to the Government to take away arms from persons of an improper character—from persons who were not of sufficient character and respectability to possess them; it undoubtedly prevented the lower orders from appearing in the streets and highways with arms, and intimidating the peaceably disposed. He admitted that this was a beneficial enactment as far as it went. Since then, Her Majesty's Government had proclaimed several other counties and cities; and the object in view was to get possession of the arms in the possession of the people previous to the threatened insurrection. He felt satisfied that they might proclaim particular districts, but they would find it unavailing, and they would not succeed in their object, for the parties would conceal their arms. In six or seven counties in which districts had been proclaimed, for the last six months, the Act was found, to be, to a considerable extent, unavailing; and the search for arms was, to a considerable degree, unsuccessful. It was a most unfortunate circumstance that a measure similar to the former Arms Bill had not been passed into a law. He thought it must be clear to any one who had reflected on the subject, that the present legislation was not sufficient to meet existing and threatened evils. It was clear that the powers given under the ordinary law would not meet the present state of things. They had tried three of the cases to which he had alluded, and he much regretted to find that in two of these cases the prosecution had failed. Although those two cases had been brought before two juries, and the cases made as clear as any cases could be, the Crown could not obtain verdicts. In one case they did obtain a verdict, and they carried the law into effect with great promptitude and energy. But what had been the effect of the prosecution and subsequent punishment? It had made the people doubly furious and desperate, and it had also had this effect, that other parties, who had been arrested, and who were to be tried on the 8th of August, hurried on the movement before that day, and had almost brought the insurrection to a head. If timely steps were not taken, these proceedings would go on, for it was well known that parties were actively engaged in organising a rebellion in Ireland, to break out on or before the 8th of August, for the purpose of preventing those persons being tried and sent out of the country. It had been at first determined to abstain from the outbreak until after the harvest, through which they expected to get what they termed a commissariat; but since that the tactics had been changed, and it had been determined now to break out on or before the 8th August, as the parties to be tried were the chief means of promoting the military organisation, and more especially the parties connected with the seditious press, such as the *Felon*, the *Nation*, and the *Tribune*. These men, no doubt, would be punished if jurors did their duty; but if jurors did not do their duty, they would overthrow the whole of the empire, for Ireland would separate from this country, and the ruin of both would follow. Their Lordships must know, if convictions could not be obtained in such cases, trial by jury must become a mockery, and chaos would succeed. But what hope had they that juries would do their duty? Was the House aware of the situation in which jurors were placed who did their duty? What was the case with respect to some of the jurymen who found Mr. O'Connell and his fellow traversers guilty? These men were almost ruined, as people would not deal with them, and their trade in consequence was at an end. The names also of the jurymen who tried Mitchel had been printed in lists, and sent to all the treasonable clubs in the country. In these lists the residence and occupation of each of them was given, so that they might be assassinated the very first opportunity. The position of a juryman in Ireland was anomalous in the extreme; and in many instances protection was necessary for the preservation of his life, if he should consent to give a verdict of guilty against the parties indicted. Another great difficulty in prosecutions was the evidence. On all occasions in that country very considerable difficulty was found in obtaining juries who would convict, and witnesses who would give evidence. In cases of special commissions, which were now held so frequently as to become almost as regular as the assizes, they obtained verdicts with greater ease in the cases which were brought forward. But what was the position of the juries and witnesses? They were obliged to protect the former, and provide for the latter. In fact, if a witness in Ireland was called upon to give his testimony before a jury in a case of any serious consequences, they were obliged to provide for him and his family before they could do so. For these reasons they were obliged also to select the first gentlemen of the country to act as jurymen. It was not usual on ordinary occasions to select jurymen to try cases from this class. In making out the list of jurymen on a special commission, much depended on the sheriff, for if he did not return the first gentlemen in the county in the list, it was well known that they would have no verdict at all. In mercy to the gentry and witnesses who did their duty, you must support them against violence, not only for a time but for years, in Ireland. How was it possible that a country could prosper, or that the people in it could be industrious, while two Parliaments were sitting there for the purpose of counteracting all that was done by the Legislature in this country? Supposing that in England you had a Parliament sitting at York, and another at Maidstone or elsewhere, as well as the Legislature in London, this country would be in the same situation as Ireland had been for the last fifteen or twenty years. It was nonsense ts talk of remedial measures so long as this agitation prevailed, which paralysed industry and destroyed prosperity. As long as incendiary meetings, such as were held at Conciliation Hall and the Hall of the Confederates, were held, it was impossible to expect that either the farmers or the labourers would do their duty. Formerly the farmers' time was taken up by political agitation and by reading seditious publications; but now, instead of listening to speeches and reading such publications, they were making pikes and preparing arms; and they were urged to an open outbreak by seditious emissaries progressing through the country. This state of things affected commerce and industry, and paralysed trade, and obliged him who had no wish to take part in agitation, if he was anxious not to become a marked man. There were other classes suffering as much as those who were directly affected by agitation. The Roman Catholic gentry of that country were, he believed, as well affected as their Protestant brethren. Their position, however, was ten times more difficult than that of the Protestant gentry. The Protestant gentry were allowed, to a certain extent, to have their own opinions, and might go to church on Sunday as they pleased; and they might act in conformity with the dictates of their consciences in various ways. If, however, the Catholic gentleman should set himself against agitation, he was set down as an enemy of his country, and was termed an Orange Catholic; and before he took any active steps in public matters, in the way he wished, he might safely say that he had better make his will before he did so. This was because you had allowed agitation to exist, by which the best interests of the country had been sacrificed, and which prevented men doing their duty as they wished as loyal subjects of the Crown. He had in his possession letters he had recently received from Catholic gentlemen who resided in districts which had been proclaimed, and they assured him that several of their tenants had called upon them and assured them that the insurrection was organised, and that a day had been appointed for the outbreak, and they were told that they would be obliged to join in the rebellion, or they must take the consequences. Meetings of a most seditious character, which were attended by large assemblages of persons, and in which the most violent language was used, and where a military array was adopted, were constantly being held in the proclaimed districts. It should not escape the notice of the House that the principal parties who appeared at these meetings had only just been bailed on charges of sedition. This circumstance alone, in spite of everything else, showed what was the effect of the present state of the law. Mr. Doheny was arrested for the second time a short time since for sedition, and was admitted to bail. Why this person was not taken into custody and committed under the Felon Act, he (the Earl of Glengall) did not know. This person, on his liberation upon bail, proceeded to Cashel, and attended a meeting of 7,000 or 8,000 men, who marched in military order, and cheered as a body of troops, and many of them were armed. From Cashel he proceeded to the mountain of Slievenamon, near the large town of Clonmel, where were assembled from 10,000 to 12,000 men, a great number of whom were armed, whom he also addressed in the most seditious language. Another individual (Mr. Meagher) had been held to bail on two charges, and he also attended public meetings, and addressed them in the most violent manner; and he (the Earl of Glengall) was sure that he need not repeat the seditious language then used. These persons then proceeded to Waterford, where a most formidable demonstration was made, and this was of so serious a character that the Government thought it to be expedient to despatch a large force by steam to that port. At Carrick-on-Suir, a very serious affair had occurred. It had been said that the prison had been broken open, and two persons with a priest, who had been arrested, had been liberated. He was enabled to say that this was not the fact, as the priest had not been arrested; but three persons who had taken the most prominent part in the agitation in the town, had been arrested; but immediately that this became known in the town and the neighbouring places, an immense multitude assembled and proceeded to the gaol, where the authorities, including the stipendiary magistrate, admitted the persons arrested to bail, who of course were then liberated. In the meantime the tocsin had sounded, and there had assembled such a large multitude that the authorities apprehended, if they had not previously liberated those persons from gaol, the mob would have forced open the doors of the prison and liberated them. The tocsin again sounded to announce the liberation of the persons seized. The Rev. Mr. Byrne then told the multitude to go home, as there was no necessity for them to remain in the town "at present." These immense assemblies of people were most alarming, and, if allowed to continue, must completely paralyse the administration of the law. Even so lately as the night before last, what had occurred in the mountain of Slievenamon? He had received a communication which informed him that at first a single fire was lighted on the mountain, and immediately afterwards it was answered by the spontaneous appearance of sixty fires in the town of Clonmel, as well as fires on all the mountains for miles round; and multitudes assembled round these fires who shouted and cheered, and uttered the most terrific threats against all who opposed them "when the day should come." Under these circumstances he must say that the proclaiming these towns and cities would be of little or no avail if Her Majesty's Ministers did not come down with some other measures of a more stringent character. He was glad to hear from the noble Marquess that Her Majesty's Government were prepared to adopt some other measures, and, above all, the suspension of the Habeas Corpus Act with respect to Ireland. He was sure that the people of England would go with them in such a proceeding. He was sure that the people of this country would not stand by and see the blood of their fellow-subjects shed in an attempt to subvert Her Majesty's Throne. There were other circumstances, which he was aware he might have gone into, as to the unfortunate state of things in Ireland; but he would abstain from doing so, as Her Majesty's Government had expressed their intention to propose to Parliament a suspension of the Habeas Corpus Act; and he cordially congratulated the country that the Government at length were prepared to take a decided step; and he trusted that in doing so they would receive not only the unanimous support of that House, but also that of the other House of Parliament, for it was only by such proceedings they could hope to restore peace to Ireland. The noble Earl concluded with moving for copies of reports from the stipendiary magistrates, constabulary officers, and police, respecting the formation of clubs in Ireland, since the 1st March, 1848.

The MARQUESS of LANSDOWNE said: When the noble Earl gave notice of his intention to make the Motion, which has just been read from the woolsack, I did not wish that he should abstain from calling the attention of the House to the matter; on the contrary, I have been the more anxious that he should do so, because some misapprehensions have arisen as to what fell from me on a former occasion, when the subject was brought under the notice of the House, when I was supposed to have said that if he brought forward the subject at that moment, it would be attended with great public inconvenience to the Government. On the contrary, on the last night I spoke on this subject, I stated that, whether immediately, with a distinct Motion or not, I thought it right that the attention of the House should be called to the subject; and I also stated last night, that when the noble Earl called the attention of the House to the subject, it would be the proper time for me to enter upon an explanation of the views and opinions of the Government. Therefore, so far from any wish being manifested on my part to deprecate discussion, I invited it. I say, therefore, I am very glad that the noble Earl has called the attention of the House to the subject, although (for reasons which I shall presently give) I think it would be more advantageous to the public service to withdraw the present Motion than to press it. But before I ask him to do this, I am desirous of stating that I do not only concur in the propriety of the attention of the House being called to the subject, but also that I am not able to contradict the statements made by the noble Earl; on the contrary, I think he has rested his statements on a variety of facts, the notoriety of which is palpable to the world, from a variety of circumstances known to all your Lordships, and from the conduct of parties alluded to by the noble Earl, the accuracy of the description of which it is the more easy to admit, because it is conduct which the parties make no attempt to dissemble. I agree with much that fell from the noble Earl as to the proceedings connected with the clubs. I think it unnecessary for my purpose—it is unnecessary for the purpose of the noble Earl—to state this night in what degree, in the ordinary state of society, and in a tranquil condition of the community, clubs may be more or less admissible, more or less dangerous to its peace. It is unnecessary to attempt to take the precise gauge and dimensions of these clubs, or to say what are the numbers, and what are the circumstances, which might require them to be arrested by the strong arm of the law. It is sufficient for me in the present moment to state that these clubs have arrived at such a pitch in Ireland, that they appear to be, according to the authority of the Lord Lieutenant of that country—but not on his authority alone, but on the concurrent authority of all interested in preserving the public peace—nothing but the prelude to civil war. I can have no doubt of this, when I look to the purposes they have in view. Their meetings also are not pretended to be held for the purposes of discussion, but speeches are made at them, and proceedings take place of a nature sufficiently clear to lead any one to know the effects likely to follow. If we look at the manner in which these clubs are formed—to their recent rapid increase, to their organisation, and to the objects professed by the parties, and to the military array by which they sought to attain these objects, I think it is clear that no one can deny the truth that we have all the appearance of war before us, and that nothing else is wanting but an actual declaration of it. This military array is carried on and directed by a person who not long ago went to Paris with the avowed object of communicating with the clubs of that place: and having met with something like a rejection of his applications from the then Government of that country, he went as it were knocking from door to door, with the view of exciting the greatest hostility against the Government of the country; and on his return he was placed at the head of the clubs in Ireland. After his return this person engaged in a conflict, not with the Government, but with a portion of his own countrymen, in which he was worsted, upon which he expressed his intention to retire from what he was pleased to call public life; but which, after having abandoned, he was induced to return to, with the view of taking that situation which he was now said to occupy, for the purpose of extending and organising the whole of a system, the nature and character of which has been so correctly and ably stated by the noble Earl. This person has been in the habit of passing in review before him, at various intervals, large bodies of persons, prepared, as they were told, for military purposes; and these persons, if not possessed of arms at the moment, have been constantly instructed, since the day when he joined them, that they were as nothing unless they provided themselves with arms. I ask, then, whether, under such circumstances, anything was wanting to make out our case? Or shall I be gravely told, that for the purpose of considering or debating any public questions, as well as for the purpose of enabling them to petition Parliament, arms were necessary? I therefore say, that by the facts of the case, the matter has been made out. The noble Earl wishes to obtain copies of reports or communications from stipendiary magistrates and others, respecting the formation of clubs in Ireland. To this Motion I have this objection, and this alone; I should have no hesitation in agreeing to the Motion, if the noble Earl inserted the words "extracts of communications," for I must tell the noble Earl, that from the nature of the communications, containing as they did a mass of matter of such a nature that it could not be laid on the table without detriment to the public service; and if only extracts were furnished, it would weaken the case; but I can assure the noble Earl that the case is one of the greatest and most imminent danger. I am sure my noble Friend at the head of the Government in Ireland will not be suspected by your Lordships, and I know that the noble Earl does not suspect him, of being backward in the use of the powers which have been entrusted to him for the government of Ireland—powers much more effectual, I am inclined to think, than the noble Earl has been induced to admit. When the noble Earl said that in the counties and places which had been proclaimed, the powers under the recent Act had not proved so effectual as was desirable in the pursuit and search for arms, I must reply that I still believe that the powers exercised under that Act, together with the increase of the constabulary, have led in many districts to the abandonment of the open use of arms—a circumstance in itself productive of much good. I may here state that in the city of Limerick, to which that Act was first applied, peace has been comparatively restored, and the city has been placed in a condition of infinitely greater security than existed before the Act was carried into operation. I also know, my Lords, that my noble Friend at the head of the Government in Ireland attaches the greatest importance to that Act. I know, also, that although, for reasons which it is not necessary for me now to state, he abstained as long as possible from applying that Act to other cities, and more particularly to the great city of Dublin, nevertheless he thinks that the time has now arrived when the greatest and most immediate benefit will result from the application of that Act to those places in which it is now being carried into effect with all the vigilance and all the exertion that my noble Friend can bring to the discharge of so important a duty. Other powers with which the noble Earl is entrusted by law, as Her Majesty's representative in that country, have also been exercised. The Act against training—a very important Act—which will expire before the end of this Session, but which will, as a matter of course, be renewed—has been applied with good effect in the way of warning from the prosecutions which have taken place under it. There are other Acts now in force; and the common law is in force of course, whereby the noble Earl is enabled, to a great extent, to repress and check what must, under the common law, be considered illegal. All the powers thus vested in him, my noble Friend has carried into effect; and I can scarcely agree with the noble Earl opposite in thinking, that trial by jury has been found inefficacious; having observed, more particularly under the operation of the special commission, the courage, fidelity, and determination with which a great number of jurors have discharged the most important functions which can devolve upon the citizens of a free country; functions, the faithful discharge of which entitles them to the approval of their own consciences and of the country, and which will reward them for what I trust is not a great degree of risk attendant upon that duty. My Lords, it is but justice to these persons to state what has been their conduct—it is but justice to the people of Ireland to say, that during the whole of the trials in Limerick, for instance, no witness was found to shrink from telling the truth, and from contributing to the administration of justice that share of duty which had devolved upon him. I nevertheless agree with the noble Earl that it is one of the most fearful consequences attendant on the progress of these clubs, that they are everywhere being used, as I firmly believe they were chiefly intended to be, for the purpose of intimidation; and I believe it is because in their rapid growth they have acquired that character, and because they are enabled to exercise intimidation with effect over every class of the community, rich and poor, Catholic and Protestant, openly avowing, as they have done within the last week, that those who do not yield to their authority, and appear armed at their bidding, are to be considered by them as enemies—it is because they are thus acting that they are, I believe, in the name of liberty, endeavouring, as clubs have endeavoured elsewhere, to establish the most cruel tyranny—subversive of all liberty, destructive of all rights—and proceeding, as such associations always have done, from disturbance to bloodshed and anarchy, until finally they would, in the natural course of things, issue in perfect despotism. Now, my Lords, is this, or is it not, a state of things which ought to be met by all the vigour of Government, supported, as I trust it will be, by all the authority of Parliament? My Lords, I know it may be said now, or it may be said hereafter, "Why not have waited a little longer? Why do to-day what you might put off till to-morrow? Why do this month what it is admitted by many may be necessary in the next?" In answer to that objection, I have only to observe that we have arrived at a state of things in which the loss of time is the loss of power. Use your power while you have it, and the effect of your using it will be, not to destroy life, nor to impair liberty, but to save life and to preserve liberty. My Lords, it is upon these considerations that the Lord Lieutenant of Ireland, in the responsible situation which he fills, has told

Her Majesty's Government that the time has arrived when it is necessary to arm him with power to detain all persons who may justly be suspected of treasonable intentions. I will not say that no other measures will be necessary; but I do believe that that is a measure which is necessary. I think it is the measure which is most called for, because it proceeds at once to strike at the leaders. My Lords, in considering this subject, and in dealing with the state of Ireland, though I am far from justifying treason or sedition in any class of Her Majesty's subjects, rich or poor; yet, when I consider what the population of Ireland is—the tendency to excess which it has, from various causes, for a long time exhibited—the circumstances which keep a large portion of the population in ignorance, and in a state of incapacity for weighing the questions which are submitted to their consideration—when I know that there is in that country an inferiority, as compared with other parts of the kingdom, in wealth, arising not only from the absence of those raw materials which promote manufacturing prosperity, but also from the absence of the capital which has been deterred from entering that portion of the united kingdom by that very state of alarm which it is the object of these persons to make perpetual in that country—and when I know that upon a population so circumstanced there has lately come one of those dispensations of Providence which dishearten and disorganise the best dispositions and the stoutest hearts—when I consider and know all this, I do feel that something may be said in extenuation of those classes of ignorant persons who are thus led away. But for the persons who lead them away—for the persons who, knowing the falsity of the statements they make, have seen nothing in the dispensation of Providence but a weapon and an instrument by which they may excite hatred in the breasts of their fellow-subjects, and turn them against that portion of the empire from which alone they could derive any mitigation of their sufferings—I say, for such leaders no pity can be felt, and it is against such men that the attention and efforts of Parliament and the Government should be directed. As regards the power sought by the Lord Lieutenant, then, I have no hesitation in saying that it ought, under the circumstances to be conceded; and I trust that such will be the feeling both of this and of the other House of Parliament. It is a power which I know you will be placing in good hands. It is a power which my noble Friend has abstained from calling for up to the latest moment, and which, when obtained, he will, I know, exercise in a spirit of forbearance and conciliation, but at the same time with that firmness without which it would be of no value, and which is one of the distinguishing characteristics of my excellent and long-tried Friend. Having thus adverted to my noble Friend the Lord Lieutenant of Ireland, there is one thing which, before I sit down, I am desirous to state, and I do so upon the authority of others also, though more especially upon his authority. I think it essential to state that, although there is doubtless reason to apprehend that many individuals of the Roman Catholic clergy have been engaged in this formidable movement, nevertheless the conduct of a great portion of that body has been most meritorious; and I would also state, on the authority of my noble Friend, who has from day to day examined the progress of this disorder, and who would save society when disorder is pressing upon it by the exertion of some vital energy in opposition to the progress of the evil, that some of the Roman Catholic clergy have taken the most effectual means of preventing the formation of clubs; and instances might be quoted in which, when circumstances were most favourable to the progress of sedition, the remedy has been found in the exhortations of the priests, who have warned their flocks against the dangers by which they were assailed. The Lord Lieutenant of Ireland is most anxious that it should be known, that if the great conflict shall come, which I fear is coming, though I trust it will be short, the Government of Ireland will be essentially sustained by the support of one part at least of that highly respectable and religious body. Your Lordships are aware, from what I have stated before, that as regards the Bill to which the noble Earl has alluded, notice of its introduction has been actually given this evening in the other House of Parliament; and when it comes before your Lordships I trust it will command your attention as adapted to meet one of the greatest evils that ever afflicted society, until that evil shall have been removed.

Lord BROUGHAM: My Lords, I can assure you I am not one of those to whom the noble Marquess has referred as possibly asking, "Why not wait a little longer?" On the contrary, I am bound to say, recollecting the course which I took last November and December on this subject—I believe I am not the only person in this House or elsewhere who is disposed to ask, "Why have you waited so long?" But now that the step is about to be taken, which in my clear and unhesitating opinion might have been taken with advantage six months ago, my approbation is entire and undivided; and I have only to add, with a view to the past, that I hope and trust, and devoutly pray, that the resolution adopted may not be found to have come too late. My Lords, in December last I stated, in reference to the state of public feeling in Ireland — bad enough — deplorable enough, in all conscience—but a mere jest as compared with the worse state of the public mind in that unhappy country during the last two or three months—that in my deliberate opinion the true remedy, the true cure, for the evil, was to give the power which would be applied by what is commonly called the suspension of the Habeas Corpus Act—that is to say, the power of imprisonment without information on oath. My Lords, I have to state what, not in this House perhaps, but out of doors, and especially in Ireland, will, I doubt not, be reckoned an authority in favour of that proposition. I say that this is a speedy remedy for a pressing and a desperate evil; that it tends to cure and not to irritate; and that it gives the power which of all others is most wanted at the present moment—that of detaining the leaders of rebellion, and taking away from it the support of those without whose support it cannot go on. I am now about to read to your Lordships the opinion of an authority which will not, perhaps, be here reckoned of great weight, but which I quote with a view to those in the sister kingdom who have looked up to that authority. I was told that the late Mr. O'Connell strongly expressed himself to the effect I shall presently mention, and I was told that I might cite his name as my authority. I declined to do so, feeling that prudence ought to govern men in making public statements of a private conversation. I felt that in the first place the authority on which I acted might be doubted; and, secondly, that the accuracy of the statement itself, might, as it rested on a conversation, be called in question. I declined, in fact, to make the statement related, unless it should be committed to paper in writing by the highly respectable individual who had held this conversation with the late Mr. O'Connell, then the leader of one portion of the Irish party, but a portion, permit me to say, in justice to it, and in fairness towards the deceased gentleman's memory, which has done all that in it lay to sever itself from the more criminal, the more rash, I might almost add the more insane, of those factious parties. I hope that what I am about to read will make its due impression on the friends, the admirers, and the adherents of that powerful and popular man. "About three weeks," says my correspondent, whose name I will give to my noble Friend opposite, "about three weeks before Sir Robert Peel's Coercion Bill was introduced in 1846, the late Mr. O'Connell deliberately stated to me and Dr. ——," whom I do not name, "and Mr." so and so, now a Member of Parliament for an important place, and lately and at that time in a high situation under the Government, whose name I shall also give to my noble Friend, "that in his opinion the true remedy, as well as the safe and constitutional course, in the then state of certain districts in Ireland, Limerick, Tipperary, and so forth, was what is commonly called—"not very accurately, I beg leave to say—"the suspension of Habeas Corpus Act, as it would cure and not irritate; and that if Sir Robert Peel made out a case entitling his Government to possess such a power, he would support his application for it to Parliament, provided Sir Robert Peel at the same time introduced"—I thought, what Mr. O'Connell termed justice to Ireland would have followed, which would have taken away the whole value of the opinion, as there is no saying what that might not have included, but no such thing—"provided Sir Robert Peel at the same time introduced to the country the measures of relief and justice which he"—not which he (Mr. O'Connell) thought right, but "which he (Sir Robert Peel) had so often promised to bring forward." So that his opinion, contrary to my expectation, as I was proceeding to read the sentence, was not in the slightest degree restricted or weakened by any reference to the repeal of the Union, or to any wild measures for the destruction of the constitution, of the monarchy, and of society itself. The measures promised by Sir Robert Peel consisted, I think, of some modification of the law respecting the elective franchise, and one or two other comparatively slight changes;

and if these were introduced, Mr. O'Connell was ready to give him his hearty support in proposing the suspension of the Habeas Corpus Act. My correspondent then goes on to say, "But (he added) that he would oppose to the uttermost any Curfew Bill which might be proposed, as it would irritate and not cure," supporting this opinion by many practical illustrations, to which I need not here allude, but in all of which I concur. This gentleman, my correspondent, went on to say, that with Mr. O'Connell's permission, the substance of that conversation was on the following day reduced to writing, in order that it might be shown to Sir Robert Peel and Lord John Russell; and I have therefore the most perfect confidence in the strict and literal accuracy of the statement. My Lords, I consider this a testimony of no little weight—not here, where indeed there is no occasion for it, but in the sister kingdom. And if I could hope that the voice of one who has always been an advocate of the liberty of the subject —who has always been among the foremost opponents of the suspension of the Habeas Corpus Act in England when not required, or when it was only of doubtful necessity—if I could hope that the voice of a friend of Ireland upon all Irish questions, and at all times—a friend at a time when there were few who took part with the Irish people, and endeavoured to obtain the redress of what I deemed their real grievances—if such a friend may be heard—I would say that I, like my noble Friend opposite (the Marquess of Lansdowne), who has always been an unflinching advocate of liberty, would call upon her not to trust to those who would lead her onward to anarchy. A friend of liberty I have lived, and such will I die—nor care I how soon the latter event may happen, if I cannot be a friend of liberty, without being a friend of traitors at the same time —a protector of criminals of the deepest dye—an accomplice of foul rebellion, and of its concomitant, civil war, with all its atrocities, and all its fearful consequences. My Lords, it is because I am a friend of liberty, that I detest anarchy and bloodshed—measures to ensure which are now brewing in the sister kingdom—not without foreign interference—not without foreign communication—not without foreign assistance—which, if very, very moderate in extent, shows the *malus animus* of those who invoke the aid of the murderers and anarchists of Paris. There was one sentence in my noble Friend's speech to which I cannot help alluding. He said that great and immediate peril was to be apprehended. Then let this measure, which is calculated to cure without irritating—this measure intended to arm the Government with the needful, and no more than the needful, powers, be immediate also. How else can the mischief be avoided? I believe that you could not do a wiser—you could not at the same time do a more regular thing, than suspending the Standing Orders in order to pass the Bill immediately. My Lords, they who wish for an outbreak will not fail to profit by any interval longer than the very shortest space of time which can elapse between the announcement of to-day and the final carrying up the measrue to the Crown for its sanction.

Lord STANLEY: My Lords, although your Lordships must all have listened with pain to the details respecting the state of Ireland which have been brought forward by the noble Earl, and confirmed to the fullest extent by the noble Marquess the President of the Council, and although it must at all times be painful to your Lordships to assent to an exceptional measure infringing on the constitutional laws of this country, yet I believe there is not only no man in your Lordships' House, but no loyal and well-disposed subject of the Crown elsewhere, who does not, or will not cordially rejoice in the announcement of Her Majesty's Government; and if my own satisfaction at that announcement be qualified by anything, it is because I regret, in common with my noble and learned Friend who has just sat down, not that the announcement has not been delayed, but that it was not made long ago; because, my Lords, concurring as I do with the noble Marquess opposite, that in cases of this kind, loss of time is loss of power, it is my firm conviction that if this step had been taken months ago, when it would have been justified in reason, in policy, and in sound statesmanlike wisdom, the state of Ireland would have been much more easy to grapple with, the obstacles would have been much less formidable, the dangers much less imminent than those which we are now called upon to encounter. My Lords, I think that the noble Marquess and Her Majesty's Government have now asked, if not for sufficient powers, at least for the right measure, so far as they have proceeded. The remedy which they have sought is one which will strike the right persons, and strike them at the right time. I am not one of those who desire that those unhappy victims, those credulous dupes of the incendiaries and agitators of Ireland, who will be put forward in the front rank for the purpose of committing the crimes and outrages to which they are instigated—I do not desire —God forbid!—that upon them the severest penalty of the law should fall; I rather desire that it should fall upon those who, well knowing the consequences of their conduct, well knowing the falseness of their pretexts, and well knowing the fatal effects of following their advice, are sacrificing everything to their own passions or their own sordid interests, and, for their own purposes, do not hesitate to involve their prejudiced and too-confiding countrymen in the guilt of treason and in the danger of civil war. My Lords, it is upon those who may have sufficient skill, and sufficient information and intelligence, to keep themselves clear of that amount of legal guilt which would bring them under the law in such a manner as to ensure their conviction, but who are yet morally, in the face both of God and man, guilty of the crime of treason, of wholesale murder, of rebellion, and of civil war—it is upon them, and not even upon them for the purposes of vengeance, but upon them for the purposes of mercy to the community, and for the sake of their countrymen generally—it is upon them that I hope and believe the salutary operation of the measure now proposed by Her Majesty's Government will fall. And, my Lords, another inducement to me to believe that this is the right course of proceeding, is this, that under the operation of this measure there can be none of that delay which, even if not succeeded by ultimate escape, causes the sword of justice to fall with only half the force which it ought to have, and prevents its being attended with its proper effect as regards the deterring of others from similar offences. Punishment is sure to fail in effect if it be not inflicted until twelve months after the commission of the crime. My Lords, what do we see at this moment? Look at the case of the indictments for misdemeanour within a recent period. Trials are pending against some of the leading agitators; but through the power which the law gives to those persons, even supposing no difficulty should hereafter arise from prejudiced, perjured, or timid jurors — through the means of traversing, which the law places in the power of those parties—it will be the month of March, 1849, before the instigators of the disturbances of May and June, 1848, can be put upon their trials to answer for their conduct. The noble Marquess has stated—and to a certain extent I concur with him—that the juries of Ireland have done their duty. Even in cases, however, of murder, of violence, and of outrage, for which it has been necessary to put prisoners on their trial, as noble Lords connected with Ireland well know, it has not been without some precautions in framing the panels that convictions, on the clearest evidence, have been secured. But, my Lords, cases of agrarian disturbance, and the ordinary cases of murder, are widely distinct from the case of political offences, and of an instigation of civil war and outrage; and it is these that we have to contemplate at present. Why, if the population of Ireland is so tainted as the noble Marquess represents it to be—if so formidable is the danger, so general and wide-spread the feeling of disaffection, that, according to the noble Earl's statement, in a moment the whole population is up, and rejoicing in the declared or supposed frustration of the law in the escape of some great criminal, leading to anticipations of the ultimate triumph of rebellion itself—if that feeling be as widely extended as the noble Earl states, and I am confident truly states, over a large portion of the population of the country—if the feeling be so wide and so general as to justify the step which the Lord Lieutenant has recently taken of proclaiming seven important districts—could you, in the case of political offences, whatever you might do in the case of agrarian outrage, go to an ordinary jury with a chance of obtaining a conviction for a crime of which a vast portion of the population avow themselves to be, in heart and soul, and ready to be in action also, cordial and eager adherents? My Lords, it is not merely on account of the participation of a large portion of the population in such feelings—it is not only on account of their sympathy with the offenders, and their consequent indifference to the obligations of an oath, that I should look with the greatest alarm upon the prospect of trusting to ordinary juries, and to the ordinary processes of law, for the punishment and repression of these offences. I attach at least as much importance to the timidity and the fears as to the culpability and the participation of the population. I fully concur in the statement of the noble Earl behind me—a statement which would, I am sure, be borne out by every one of your Lordships who is connected with Ireland—that if there be one class amongst whom, above another, it is most important that the feeling should not prevail that rebellion is likely to have the upper hand—if there be one class more exposed than another to dangers from ranging themselves on the side of the law, and against that of sedition—that class is the upper class of the Roman Catholic farmers and gentry of Ireland. My Lords, it is impossible for a Roman Catholic gentleman, or a Roman Catholic farmer, openly to espouse the cause of order against the cause of sedition, without being branded with the name of Orange Catholic—without being denounced as a traitor to his faith, his country, and his God. Those who are engaged in fostering the spirit of sedition look upon the Protestant as the supporter of order, and therefore as their natural straightforward and open enemy; they look upon the loyal Catholic as a deserter from their own ranks, and as a renegade, to be regarded with double the hostility directed against a Protestant under similar circumstances. But, my Lords, this is the state of things in which we now stand: the gauntlet of defiance has been thrown down; and the question now is, shall there be an avowed, declared, and triumphant rebellion, or shall the Government and the law not only have, but in the minds of the people shall they not be deemed and felt to have, the upper hand? For believe me that every moment that great question is in doubt—that every hour which adds to the confidence of the disaffected and seditious—that every delay which appears to show hesitation, doubt, or uncertainty on the part of the Government, not only add to the confidence of the disaffected and seditious, but add also to their physical strength; for day after day, and week after week, some men, from baser motives, some from timidity, some from a not unnatural fear of the consequences, and some from an apprehension of the danger they may risk—some who would be willing to range themselves on the side of order if they had a banner under which they could rally, and thereby ensure protection—will be driven from loyalty to indifference; and when indifference is no longer safe, they will be forced, against the feelings of their own hearts, against the opinions and dispositions of their own minds and souls, to give a support to a party whom in their hearts they detest, and assist them against the Government under which they were disposed—if allowed to do so—to live loyally and peaceably. I will not look back. I will not inquire by whose fault, or, in consequence of what negligence, or whether it was in consequence of any negligence, that matters have been allowed to reach their present state. I am too much satisfied to see the Government at length fully awakened to the entire danger of the case, and determined to risk any consequences rather than not put down this fearful state of things, this organised and already almost begun rebellion—I am too much pleased with their present determination to criticise too nicely their past conduct, or to inquire if earlier measures would not have averted much evil. I rejoice that this measure is now announced—I am confident that it will have the full support of this House; and if there be a minority in the other House of Parliament of opinion (and they must be a small minority who will be of such opinion) that the tyranny now exercised over the people of Ireland is not infinitely more grinding, more fearful, and more alarming than any possible violation of constitutional law, or any despotic authority to any extent that may be lodged in the hands of the responsible advisers of the Crown—if there be any such minority, who would prefer the continuance of the present state of things to the application of an effectual remedy—then I think the vast majority of the House of Commons will speedily overrule any opposition that may be offered by such a minority; and sure I am, that when a measure receives the assent of your Lordships' House, of the House of Commons, and of the Crown, for repressing the present state of disorder, and doing away with the present dangers that threaten Ireland, whatever its present provisions are, however, inconsistent with constitutional law it may be, it will command the almost unanimous concurrence of every loyal subject in England, in Scotland, and in Ireland. The noble Marquess opposite (the Marquess of Lansdowne) has talked of the details of this measure; what those details are I know not; but I trust they will be strong and effective. Our object is to give to the Government full, ample, and summary powers; and I trust that no lengthened details will interfere to prevent the progress of this measure through this and the other House of Parliament. I will answer for it that the measure will have the cordial support of this House, and I think, also, of the country; and I am satisfied of this, that if Her

Majesty's Government go on with the determination to uphold the cause of order and peace in Ireland—ay, and I will say of good government also — even though they are not remaining within the pale of constitutional law, they will have the thanks and cordial support of those who now, with feelings of reluctance equal to those which the Government themselves experience, allow them to pass an Act of Parliament which, under ordinary circumstances, they must regret and deprecate; but they will also, without reference to party feelings or considerations, have the cordial support and assistance of every Member of your Lordships' House.

The Marquess of LANSDOWNE: Without being prepared at present to give any opinion as to the suspension of any Standing Order, I am prepared to state on the part of the Government, that to this measure every other measure ought to give way, that it may be passed with the greatest possible speed which the forms of Parliament will admit. But having stated that it is also desirable that it should be known in this House, and known to the country, that if any unfortunate delay (and if there be such, I trust it can be but short) shall arise to prevent the passing of this Bill, and if such delay shall have the effect of hurrying this insane party from the state of feverish excitement in which they now are, into a state of actual rebellion in which they are not, that there exists a statute of the Irish Parliament passed long before the Union, under which, in the event of the commission of such an outrage as would under the circumstances be the commencement of a rebellion, the Lord Lieutenant of Ireland is authorised to seize and to detain every person whom he suspects of being accessary to that rebellious proceeding; and further I have to state, that the Lord Lieutenant of Ireland is prepared instantly to take that course the moment such a case shall arise.

Lord BROUGHAM: I am aware of the Irish Act referred to. It is not necessary that there should be a general outbreak to authorise the Lord Lieutenant to act. The commencement of a rebellion is sufficient; and I know my noble Friend at the head of the Irish Government too well to doubt that, when the case arises for interfering under that statute, he will vigorously, promptly, and fearlessly act up to it.

Motion, by leave of the House, withdrawn.

House adjourned.

HOUSE OF COMMONS,

Friday, July 21, 1848.

Minutes.] Public Bills.—1° Turnpike Roads (Ireland); Stock in Trade Exemption.

2° Salmon Breed Preservation.

3° and passed:—Ecclesiastical Jurisdiction; Highland Roads, Bridges, &c. (Scotland).

Petitions Presented. By Mr. Milner Gibson, from several Places, for the Adoption of Universal Suffrage.—By Mr. Tennent, from Ministers and Ruling Elders of the Presbyterian Church in Ireland, in favour of the Places of Worship Sites (Scotland) Bill.—By Mr. Ormsby Gore, from Sligo, respecting the Depredations committed by Killing Cattle, Sheep, &c.—By Mr. Philip Miles, from the Rural Dean and Clergy of Bristol, for an Alteration of the Law respecting Education.—By Mr. Thomas Greene, from Ratepayers of Over Wyersdale, Lancashire, against the Highways Bill.—By Captain Pechell, from Duncan Macintyre, Drysalter, Fortwilliam, New Brunswick, praying the House to take his Case into Consideration.—By Mr. Tennent, from Shipowners of Belfast, against the Merchant Seamen's Fund Bill; also from the Chamber of Commerce of Belfast, for a Repeal of the Navigation Laws.—By Sir William Codrington, from the Guardians of the Winchcomb Union, in the Counties of Gloucester and Worcester, against the Poor Law Union District School Bill.—By Mr. Henry Herbert, from the High Sheriff and Grand Jurors of the County of Westmeath, for an Alteration of the Poor Law (Ireland).—By Mr. Milner Gibson, from the Guardians of the Manchester Union, in favour of the Poor Law Officers' Superannuation Allowances Bill.—By Sir De Lacy Evans, from the Board of Guardians of the Strand Union, London, for an Alteration of the Poor Law Union Charges Bill.

SUGAR DUTIES.

On the Order of the Day for the House to go into Committee on this Bill,

Lord G. BENTINCK: I rise to press upon the right hon. Gentleman the necessity of withdrawing the Bill and going into Committee to pass a resolution preliminary to the introduction of another measure. Sir, no satisfactory explanation has been offered as to how Her Majesty's Government proposes to deal with the difficulty I pointed out on a previous occasion. It has been attempted to show that the British Possessions Act of 1845 would override any act of the colonial legislature. Sir, I have given further study to the matter, and, whether I consider the Act itself (9 & 10 Victoria, chapter 94) or the speeches of those who introduced it, I cannot conceive but that it was intended by the Act of 1846 to empower the colonial legislature to repeal any Acts founded on the former British Possessions Act, the 8th and 9th Victoria, chapter 93. Sir, this question is important; and I beg the attention of the House, for it would be too absurd for the House to go into Committee on the details of a Bill which it would be impossible practically to work. It is said on the other side, I am aware, that the 9th and 10th Victoria did not confer on the colonial legislatures any power to remove prohibitory duties, nor to impose duties; but that it only gave power to reduce existing duties. But, I will show, first, from the speeches of those who introduced the Bill, as well as of those who opposed it, that this was not the construction they contended should be put upon it; and, next, I will show, from the acts of the colonial legislatures, that, in fact, a different construction has been put upon it by them; and that the Act has been construed in the spirit in which it was introduced; and that acts and ordinances have been passed by the colonies and allowed by the Queen in Council which have been founded upon this their construction of it. And when I have shown that this has occurred as to Jamaica, Trinidad, St. Vincent, and St. Lucie, I shall be entitled to contend that to carry the present Bill any further would be to produce the greatest embarrassment. Sir, on the 13th of August, 1846, Mr. Goulburn said (on the question that the Bill be committed)—

> "We are called upon to give up the principle that the trade of the colonies shall be regulated by the Legislature of the mother country."

The Chancellor of the Exchequer replied—

> "That the colonies ought not to be exposed to protection averse to them, when protection to their advantage was abolished."

And Lord John Russell said that—

> "Having established free trade as the general principle, we ought to treat our colonies as we would wish to be treated ourselves, and not keep up protective duties which they themselves thought injurious."

Then if the Act carried out the intentions of the Government who proposed it, on what principle could it be professed that it was not designed to empower the British colonists to remove restrictions and prohibitions framed for the protection of the British refiner? Again, upon the third reading, the Chancellor of the Exchequer is reported to have said that the Bill would not empower the colonial legislatures to impose unfair duties upon British produce. And Lord J. Russell said that the colonists might fairly urge that Parliament, having deprived them of the advantages of protection, should not give them its disadvantages. Yet, it is alleged that the Imperial Parliament did not confer upon the colonists power to repeal prohibitions protective of the British refiner. So far as the Act of 1846 was concerned, it was not affected by the import of foreign refined sugar into the colonies, for the case was provided for in the Act itself. But again, in the House of Lords, Lord Ellenborough said, the Legislature had formed the opinion that it was but fair that the colonists should import our goods and those of other nations upon equal terms. How can it then be pretended that the Act was intended to prevent the colonists from repealing prohibitions? And yet that is the only ground on which it can be pretended that the British Possessions Act overrides the acts of the colonial legislatures. When the merchants, in great dismay, went to the Customs, urging that higher duties than those imposed by the present measure must be levied on sugar coming from the colonies in question, the answer was, "Oh, no! the Act 8th and 9th Victoria, chap. 93, sets all that to rights; we care not a farthing for the acts of the colonial legislatures." But let us look to the section (63) of the Act itself, which enacted that—

> "All laws at this time or hereafter to be enacted in the colonies, &c., in anywise repugnant to this or to any other Act of Parliament (as far as the same shall relate to the said colonies) shall be null and void."

If no other Act had been passed he should have considered that the Acts of the Imperial Parliament would have overridden any acts of the colonial legislatures. But, next year, the Sugar Duties Act of 1846 was accompanied by another British Possessions Act, in which, after reciting the clause in the previous Act, it was enacted that—

> "Whereas it was expedient to enable the legislatures of the colonies to reduce or repeal all duties of customs, so far as the same may be enforced in the said colonies respectively, such legislatures may make any act or ordinance repealing or reducing the said duties so imposed as aforesaid by the said Act, upon any articles imported into the said colonies, provided the Queen in Council shall assent to such act or ordinance, and also provided the same shall be laid upon the table of both Houses of Parliament by one of Her Majesty's Secretaries of State within thirty days of the same receiving such assent, or of the next meeting of Parliament."

Now, I will concede to the Government, that the ordinances which have been passed by the four colonies I have alluded to are probably invalid by reason of an informality. But what informality? The omission on the part of the Government themselves to lay them before Parliament, though the Royal assent was given in August last, and Parliament met in November, and sat till the end of December. And surely to rely on such an objection would not be very creditable to the Government. The Assembly of Jamaica, however, acting in the spirit of the Act, have admitted foreign sugar (refined) at a duty of 20 per cent; but the island of Trinidad has admitted foreign sugar, refined or unrefined, at a duty of 5*s.* per cwt., and St. Lucia at 16*s.* per cwt. Therefore, in respect to these colonies, no sugar can, consistently with the true effect of the resolutions to which the House was agreed, be allowed to be imported at 13*s.* per cwt. I call the attention of the House to these facts. The resolutions passed and were in force on the 10th of July. Up to the 15th of July the old warrants were held good. The Customs had not discovered, or the Government had not discovered, their own mistake. The old warrant ran in form thus:—

> "So many hundredweights of brown or muscovado sugar, not equal in quality to white clayed, the growth or produce of, and imported from, a British possession in America."

That was the warrant under the old Act. But there was a new heading to the resolutions; and on the 15th of July, and not till then, the Customs said that the old warrant would not do, and that they must have a new form:—

> "So many hundredweights of brown or muscovado sugar, not equal in quality to white clayed, the growth and produce of, and imported from, a British possession into which the importation of foreign sugar is prohibited."

Now, is it or is it not true, that duty has been refused to be accepted under the old warrants? Several merchants have been turned back and told that the duty could not be accepted unless they produced a warrant certifying that it was the produce of British possessions into which foreign sugar was prohibited. Many merchants said—

> "We cannot bring such a warrant as that. As regards Jamaica it is an untruth; and we do not wish to be made responsible for an untruth of this kind."

I hold in my hand a copy of the amount under which sugar pays duty, and it was after this that the Customs hit upon the British Possessions Act of 1845 as remedying the error, by prohibiting (as is alleged) *de jure* that admission of foreign sugar, which is *de facto* admitted into the colonies. But surely it would ill become the dignity of the Imperial Parliament to require merchants to make declarations inconsistent with the truth. And, therefore, it would be absurd to proceed with the present Bill, which requires such a declaration, and could not therefore be carried into effect. Then, Sir, comes the question as to refined sugar. Her Majesty's Government, in introducing a measure which they held out as one of relief to British interests, had altogether suppressed one schedule, the effect of which was to keep out all the refined sugar of the Continent, and then had admitted foreign refined sugar at exactly the same duty at which refined sugar from Brazil, or from Cuba, or from Porto Rico, might have been admitted under the old Act. It was not easy to ascertain the amount of the bounty granted by the Dutch Government upon the export; but it is variously estimated at 3*s.* and 5*s.* per cwt.; and the effect of the Ministerial measure had been, that the price of Dutch refined sugar had been raised by 2*s.* or 3*s.* per cwt., and the price of British refined had been reduced by the same amount; so much so, that it was no sooner understood for the first time on Monday last that Dutch refined sugar had come in on these terms, than a complete stagnation occurred in the sugar trade. But as far as the sugar refiners themselves are concerned, what is their position? On the 18th five vessels arrived in the port of London from Cuba, laden with sugar, which could not be entered to be refined for home consumption. But that sugar could be sent to Amsterdam, to be there refined, and brought back again to the English market, with the Dutch bounty upon it. What chance had the English refiner to compete with that? Now, Sir, on this point I am informed that an amendment—not imposing a higher duty—might (though it is a matter of nicety) take place in the Bill. But it would be a more convenient course to withdraw it altogether, and begin again. Nobody can believe that the Government knew what they were about when they inflicted this heavy blow on the refiners; or if they did, then it makes the matter infinitely worse that this should have been done in a measure of professed protection, and without any avowal of an intention to alter the duty to their disadvantage. I trusted that on this ground alone, and in order that there may be a fair opportunity for discussing this point, which was not understood before, when the House was in Committee on the resolutions—and which point has been, as it were, concealed by the Government—that Her Majesty's Ministers will withdraw this Bill, and move for a Committee of the whole House again. But, Sir, if these changes be not sufficient, I am prepared to open a new budget of blunders, and expose no less than twenty-three arithmetical errors in the schedules of the Act. And when I have exposed these errors, the House will agree with me that we ought not to be asked to proceed further with this Bill. I must premise that all the duties are based on that which is levied upon "muscovado" as a basis, which, in railway language, is called the datum line; and it is assumed that the duties are paid according to value, the value of molasses being taken at 37½ per cent of that of muscovado; white clay as one-sixth; single refined, one-fifth; double refined, one half. I have no fault to find with the first schedule of duties; but when I come to the second schedule (as to British possessions to which the importation of foreign sugar is not excluded) I find that the first figure of the scale, being candy or double refined sugar, stood at 1*l.* 3*s.* 4*d.*, whereas it ought to be 1*l.* 3*s.* 7*d.* There is no other mistake in that rank, and indeed there are no mistakes in the first four columns, because they are the old duties, and the figures have, I presume, been drawn up by the old hands. The errors are—

	£	*s.*	*d.*		£	*s.*	*d.*
Double refined sugar………	1	3	4	for	1	3	7
Single refined sugar (1852)	0	15	0	—	0	15	4¼
Ditto … (1853)	0	14	2	—	0	14	8
White clayed sugar (1852)	0	13	3	—	0	13	5
Ditto … (1853)	0	12	5	—	0	12	10

The next table (as to brown clay) is, I believe, the hon. Member for Westbury's—and I really cannot discover what is matter of mistake—for I cannot find out on what principle it is framed; it appears so irregular. But as to molasses, the errors go through the whole table—

	s.	*d.*		*s.*	*d.*
1848-9 ……	5	7	instead of	5	4
1849-50……	5	3	—	5	5
1850-51……	4	9	—	4	5
1851-52……	4	4	—	4	6
1852-53……	4	1	—	4	4
1853-54……	3	11	—	4	1½

Then, as to the third schedule, the blunders (as in the former one) begin with the new duties—

	s.	*d.*		*s.*	*d.*
Double refined (1852)…	19	0	for	19	6
Ditto (1853)…	17	0	—	18	0
Single refined (1852)…	16	8	—	17	4
Ditto (1853)…	15	2	—	16	0
White clayed (1852)…	14	9	—	15	2
Ditto (1853)…	13	2	—	14	0

The "brown clay" table is here again the hon. Member for Westbury's, and really it is so full of irregularities that it is impossible to understand it; and if, as Pope and Burke say, irregularities are the incidents of greatness," the hon. Member must be great indeed. Coming to the last table, where, as the duty reaches the lowest point, one would have thought there could have been no mistake, the parties who constructed it have contrived (so so speak) to put the right boot on the wrong leg, for the duties which ought to be for 1849-50 have been given to 1848-49 ; those which ought to be for 1850-51 have been given to 1849-50; and those for 1851-52, have been given to 1850-51; and so on through the scale. Then, in the first column of the third schedule the figures 6*s.* 4*d.* ought to have been 6*s.* 11*d.*; in the second, 5*s.* 11*d.* ought to have been 6*s.* 4*d.*; in the third, 5*s.* 4*d.* ought to have been 5*s.* 9*d.*; in the fourth, 4*s.* 11*d.* ought to have been 5*s.* 3*d.*; in the fifth, 4*s.* 6*d.* ought to have been 4*s.* 11*d.*; and in the sixth column, 4*s.* 1*d.* ought to have been 4*s.* 6*d.* That is the sum total of the whole. Am I then asking too much in calling upon the House to throw out altogether these columns of blundering legislation, or else to postpone the Bill ?

The CHANCELLOR OF THE EXCHEQUER said, it would be very difficult for him then to go through all the points to which the noble Lord had called attention; on the contrary, it appeared to him that the most convenient course would be to go into Committee on the Bill, and then discuss each objection separately. As to the manner in which the debate on this subject had been carried on, he would only say, that every sort of subject had been mixed up into one confused mass; and clearly the better way of arriving at a satisfactory conclusion would be to take each question separately, if it would suit the convenience of the House to go then into Committee on the Bill.

Mr. GOULBURN agreed very much with what had fallen from the right hon. Gentleman; but he hoped he might be excused if, before they went into Committee, he sought for some information. If the propositions which the right hon. Gentleman had to make in Committee would lead to an increase of the duties on sugar, it was evident that such propositions could not be entertained in a Committee on the Bill, but must previously be proposed in a Committee of the whole House. Other hon. Members might have different duties to propose in a Committee of the whole House, and therefore he thought it expedient that the plans of the Government should be laid before the House before the Speaker left the chair.

The CHANCELLOR of the EXCHEQUER said, the only alterations which he should have to propose would consist of reductions in the colonial scale. As to the Bill for refining sugar in bond, it formed no part of the present measure.

Mr. DISRAELI observed, that the statement of his noble Friend near him was quite clear. The point which he had made was this, that in the present measure there was such an agglomeration of errors, that it was not expedient to go into Committee on such a measure. In his opinion the House ought to show its sense of the impropriety of bringing before them a piece of such crude and immature legislation. The House should show that it had no confidence in a measure so saturated with error as the Bill before them. If his noble Friend resolved to take the sense of the House on going into Committee, he should certainly vote with him.

Mr. CARDWELL said, there was some doubt as to what the rates of duty would be on single and double refined sugar, as contrasted with the scale of 1846. By the schedule of the Bill of 1846, refined sugar was to pay a duty of 28*s.* 6*d.*, when raw sugar paid 20*s.*; and when the duty on refined sugar descended to 24*s.* 8*d.*, then the duty on raw sugar was to sink to 18*s.* 6*d.*; but it now appeared that, practically, the duty was to be 1*l.* on raw sugar, while 24*s.* 8*d.* was that which was payable on refined sugar. The question now was, whether, when they went into Committee on the Bill, they could raise any duty whatever? He thought they should have some explanation before they went into Committee.

The CHANCELLOR of the EXCHEQUER replied, that the question put by the hon. Gentleman was a matter of pure detail, and he should answer it after the House had gone into Committee.

Mr. M. GIBSON begged to remind the House that a colonial act was overruled by any Act of the Imperial Legislature. In reply to the observations of the noble Lord the Member for Lynn, he contended that the scale of duties was correct. With respect to the tariff, they could not allow one part of it, and disallow another.

House in Committee.

Upon the 1st Clause,

The CHANCELLOR of the EXCHEQUER said, he hoped the Committee would believe that he wished, as much as possible, to avoid any ambiguity in framing the measure now before them; and he thought that the most satisfactory mode of treating the matter under consideration would be, to deal one by one with the charges which the noble Lord had brought forward. Either the Bill was open to the charge of inaccuracy, or it was not; and, for the purpose of ascertaining how far such a charge rested upon a solid foundation, he should propose to confine himself, in the first instance, to the heading of the first schedule—that which related to the admission of sugar. But before he adverted to that subject, he wished to say that a mistake had occurred with respect to what he had said on Wednesday last. The supposed demand with respect to higher duties had not been made; and there had been no such representation on the part of the Customs as was stated, though it became necessary to alter the warrant, in order to make it in conformity with the Resolution of the House of Commons. With respect to the heading of the schedule, very soon after the Act of 1846 had been passed, Mr. Lefevre suggested that all cases were not in fact included under the schedule, and, therefore, that, if ever an alteration should be made in the terms of the schedule, it would be advisable that the alteration should be so made as to include all places. Thus, for example, under the old Act, if sugars were imported from the coast of Africa, it would not be possible to levy upon such sugars the amount of duty payable upon colonial sugars. The general wording of the Bill explained what each description of sugar was to pay, and this was done in every case under its proper head in each column; but it was an express condition that the introduction of foreign sugars into our colonies should be prohibited, in order to entitle their sugar to come in at the lowest rate of duty. The necessity for this was well explained in a letter written in the year 1839 by Mr. Deacon Hume, to which letter he should hereafter have occasion to refer; but at present he should confine himself to stating that Mr. Hume showed in his letter that they could not prevent any of our colonies being made the medium of importing foreign sugars, otherwise than by expressly prohibiting any importation of foreign sugars into the British colonies. When a power of importing sugars from the East Indies was granted, a distinction was made between those parts of India into which the importation of foreign sugar was prohibited, and those in which no such prohibition existed. He begged to remind hon. Members that this state of the law existed even before the last British Possessions Act had been passed. So much was this the case, that some parties formerly contended that even foreign sugar refined in this country could not be sent to any of our colonies, for though by undergoing the process of refinement here it might in some degree be considered a British production, yet in the state of the law as it then existed, such sugar could not be imported into British colonies. He conceived that no better proof than this could be adduced of the stringency of the prohibition to which he had thus referred. Mr. Deacon Hume, in the letter which he had above referred to, set right the misapprehension as to refined sugar, which was to be considered as a British manufacture. In order, however, to prevent mistakes, the British Possessions Act, introduced by the right hon. Gentleman opposite in 1845, made a distinct exemption from that prohibition in favour of sugar refined here in bond. The noble Lord had referred to that as an old Act, a musty old Act, which he said had been recently discovered. [Lord G. BENTINCK: I did not use the word "musty"—that word is yours; I spoke of it as the Act of 1845, the 8th and 9th of Victoria.] An Act passed three years ago could not be considered an old Act. The sixth clause of that Act of 1845 distinctly prohibited the importation of sugar, being foreign produce or manufacture, into any of the British possessions on the continent of America, or into the West Indies; and the clause went on to say that if such sugar were imported it should be forfeited, together with the vessel when of a certain tonnage, and that any colonial law against this prohibition should be null and void. But the noble Lord said that the colonial legislatures might repeal that in consequence of the Act of 1846; and the noble Lord had favoured the House with extracts from speeches which had really nothing to do with the question. What was the reason of the introduction of that Act? When they diminished the protection in favour of the colonies by admitting foreign sugar into this country, they said that if protection in favour of the colonies was taken away, it ought not to be maintained against them, and therefore power was given to the colonies of repealing or reducing all the differential duties imposed by the Imperial Legislature for the benefit of the manufacturers of this country on articles of foreign manufacture imported into the colonies. The whole power of the Act applied to the repeal or reduction of such duties; and there was not a syllable in the Act applying to the case of prohibitions. The colonies might reduce or repeal any of the imperial duties imposed by the British Possessions Act of 1845; but they were not at liberty to repeal any of those prohibitions imposed for a purpose very different from that for which the duties were imposed. What was the title of the British Possessions Act of 1846? It was an Act to enable the legislatures of certain British possessions to reduce or repeal certain Customs duties set forth in a certain schedule. That was the whole of the Act, and there was not one single syllable in it about repealing prohibitions. Indeed, it would have been manifestly absurd to have enabled our colonies to repeal prohibitions which were passed for the sake of preventing fraud on this country; though it was reasonable, under the circumstances, to give the power of repealing or reducing those duties which were imposed by the Imperial Legislature for the purpose of protecting the produce and manufactures of this country. The noble Lord went on to say, that, nevertheless, there were four colonial tariffs in existence imposing duties on foreign sugar. No doubt there were, and no doubt they had the sanction of the Crown; but the right hon. Gentleman (Mr. Gibson) had explained how it happened that it was not expedient to disallow those items in the tariffs. But the mere imposition of a duty on an article the importation of which was prohibited, did not allow of the importation of that article; and any colonial act contrary to the British Possessions Act would be null and void. The noble Lord talked of the Customs Department being ignorant of all this. Now, he (the Chancellor of the Exchequer) had in his hand a letter from the Collector and Comptroller of the Customs in Jamaica, dated the 8th of March, 1848, referring to a case in point. It happened that by some inadvertence one cask of foreign refined sugar had been admitted into Jamaica; and as soon as the Customs in this country discovered the circumstance, a letter was written to the Collector at Jamaica drawing his attention to the circumstance; but he had found out the error himself before the receipt of the note from England, and he stated—

> "In reply to the letter on the subject of admitting one cask of foreign refined sugar into Jamaica, we ourselves discovered the error, but it was too late to remedy it; but we shall take care that it does not occur again."

Therefore, so far from the Customs Department being ignorant on the subject, both the Custom-house here and the Custom-house in Jamaica understood the law that the admission of foreign sugar was prohibited in Jamaica. The noble Lord might perceive that there might be reasons why a duty should exist in a colonial tariff on sugar, even when the article was not admissible there. Though not probable, it was not impossible, that the British Legislature might repeal the British Possessions Act; and in such case, if foreign sugar were not in the colonial tariff, it would then be introduced into the colony duty free. Consequently the imposition of a duty in the tariff was a provision for a possible case; and his belief was that there was an act of the local legislature in existence in Jamaica by which a duty was imposed on foreign refined sugar, and probably under the sanction of the Crown. [*Cheers from the Opposition.*] The noble Lord and hon. Gentlemen opposite cheered that statement, as if the mere imposition of a duty in the tariff rendered the article admissible. Why, take the case of any article on which a duty might be levied in this country, and which was admissible if it came in a British ship, or in a ship belonging to the most favoured nation. That duty was levied on it when it was admissible; but if it came in a ship not belonging to either of those classes, then the navigation laws interposed and rendered its admission impossible. So it was in this case. Supposing there was a duty in some of the colonial tariffs on foreign sugar, still those tariffs could not, and did not, override the British Possessions Act so as to render the sugar admissible in spite of that Act; but if that Act were repealed so as to make foreign sugar admissible into those colonies where it was now prohibited, then the duty would take effect. The importation of foreign sugar into any of the West Indian Islands was prohibited; and it was necessary that it should be so prohibited in order to entitle those colonies to send their sugar to this country at the lowest rate of duty; for if this prohibition did not exist, there might be means of introducing foreign sugar into this country at a rate of duty not properly attached to it. This prohibition, consequently, was the condition upon which our colonists were permitted to import their sugar into this country at the lowest rate of duty.

Mr. BARKLY said, that what the importers of West Indian sugar complained of was, not an imaginary grievance. They were now, for the first time, called on to declare that the admission of foreign sugar was prohibited in the colonies whence their sugar came; and this they conscientiously objected to do. In the tariff of every one of our West Indian colonies there was a rate of duty for the admission of foreign sugar; and practically also, foreign sugar was not excluded. It would be seen, by reference to the papers published in 1846, giving the exports and imports for ten years, that there was not one of the West Indian colonies into which foreign sugar was not practically admitted, such a duty being imposed as would be equivalent to the differential duty in order to prevent fraud. In Barbadoes, raw sugar, the produce of the foreign West Indies, had been admitted in 1843 to the extent of 741,216 lb., or about 300 tons, notwithstanding the operation of the British Possessions Act. That sugar was admitted at a duty of 12*s.* 9*d.*; and in the case of Demerara the fact was still stronger. Under these circumstances, as the alteration in the heading of the schedule gave rise to trouble and difficulty, he thought that the words of the Act of 1846 ought to be restored.

The ATTORNEY GENERAL said, that the simple question was, what was the legal construction of the Act of Parliament? Foreign sugar was prohibited to be imported into certain British possessions; and the fact of its having at any time been admitted into any one of them was no proof of the legality of such admission. The importers of West Indian sugar were only, in effect, called on to say that foreign sugar was not legally admissible into the places whence their sugar came. The noble Lord produced a tariff with reference to the importation of foreign sugar into Jamaica; but that tariff was not sanctioned by an Act of Parliament, and was therefore null and void. If the noble Lord's twenty-three objections were not more formidable than the present one, there was little to fear from them.

Mr. CARDWELL said, that the complaint was, that the importers of Jamaica sugar were inconvenienced by a cloud of confusion which had been thrown over the subject. Now, this was a very serious complaint, and the question was, what had it arisen from? It had arisen from an alteration in the shape of the schedule, in consequence of which the merchants found themselves called upon to sign a different document from what they had been accustomed to sign before, which seemed to show that there was some doubt and difficulty in the matter; and the parties in the City, who were not so well versed in law as the Attorney General was, were in a state of embarrassment. If, however, notice had been given at first, when the schedule was altered—if the attention of the parties interested had been drawn to it—if they had been told that the effect of the alteration in the schedule would be to leave the law where it was, and that although they had to sign a different document from what they had formerly done, they were running no risk in respect to the duties; if this had been done at first, no confusion would have arisen. The moment it did practically arise in the business, various questions were asked in that House in order that public attention might be drawn to it; but the hon. Members who put the questions were told, rather unreasonably, he thought, to wait until they were in Committee on the Sugar Duties; and, in the meantime, they were refused all information. Now, he thought that the inconvenience to which the trade was put by changes, of which notice had not been given, was very much under-rated in that House, and it was exceedingly desirable that when such changes were made, the attention of parties should be drawn to them.

Mr. JAMES WILSON said, that there was no person in that House who was less disposed than himself to estimate lightly the inconvenience suffered by the trade, either from this or any other cause; but he was satisfied that the hon. Gentleman who had just sat down—probably from misinformation—had very much exaggerated both the cause and the effect. The resolutions did not come into operation till the 12th; the warrants were prepared, according to the new form, by the 15th; and he had reason to believe that, since then, no party had been at all inconvenienced. For before the questions had been put in that House on the subject, he heard a rumour in the City that some difficulty had been felt on the matter; and he asked the Chairman of the Customs about it, and was informed that, although one gentleman had demurred to signing the required declaration, a message was sent to him next morning, and the matter satisfactorily explained.

Lord G. BENTINCK knew that considerable inconvenience had been felt in consequence of several gentlemen, who had called at the Custom-house for the purpose of relieving their sugar from bond, having to return back because they were not provided with warrants.

The CHANCELLOR of the EXCHEQUER, with reference to the remarks of the hon. Member for Liverpool (Mr. Cardwell), begged to say, that, although he refused to give the noble Lord the Member for Lynn (Lord G. Bentinck) a full answer to his question till the House was in Committee on the Sugar Duties Bill, he stated generally that, by the British Possessions Act, foreign sugar was prohibited from being imported into the colonies.

Mr. BARKLY said, that yesterday one of the deputation who waited upon the right hon. Gentleman the Chancellor of the Exchequer, stated that he had been called upon to make a declaration in case of some sugar he had imported from St. Lucia, and that he felt he could not, as a man of honour, do so.

Lord G. BENTINCK said, that the question was not, as to what was the law, so much as to what was the fact. Was sugar imported into our various colonies, or was it not? Now, he had shown that such sugar had been imported, and that the duty had been paid to the Queen's Custom-house officers. How, then, could any man, consistently with truth, sign a warrant to the effect that the sugar which came from any of those colonies was imported from a colony or country where the importation of foreign sugar was prohibited? If this law passed, the matter would remain as it was at this moment; and every such warrant that was signed would be a falehood. Was it desirable that the House of Commons should pass an Act of Parliament which should oblige 300 or 400 false warrants to be signed every day of the year?

The CHANCELLOR of the EXCHEQUER remarked, that the noble Lord's argument proceeded upon a fale assumption. The merchants were not called upon to sign a declaration that their sugar came from a colony into which foreign sugar was not *de facto* imported, but merely where the importation of foreign sugar was prohibited.

Mr. GOULBURN believed that, at all events, there was considerable confusion on the subject. It was, no doubt, true that the importation of foreign sugar into the colonies was prohibited under the British Possessions Act; but when they found from a return laid before Parliament, and which came from the Queen's Custom-house, that a certain quantity of foreign sugar had actually been imported into these colonies—for he did not apprehend that the Custom-house authorities would give them a return of the smuggled article, but only that which had been legally imported—he must say that there was sufficient confusion to justify some doubt on the part of persons making the required declaration. He thought the inconvenience complained of would be removed if the clause run thus:—

> "On sugar or molasses the growth and produce of any British possession in America, or of any other British colony into which the importation of foreign sugar is prohibited," &c.

The CHANCELLOR of the EXCHEQUER was sorry to resist any suggestion of the right hon. Gentleman; but as the adoption of the Amendment would imply that there was a doubt in regard to the law, and as he did not think there was any reasonable doubt in the matter, he felt bound to oppose it.

Mr. BARKLY thought it was not treating the sugar trade fairly to refuse them this request. The Chancellor of the Exchequer seemed to think that the merchants had found a mare's nest. He begged to tell the right hon. Gentleman that they had a much more valuable occupation than engaging in such a search; but having found that there was considerable hardship in being called upon to make a declaration which they could not conscientiously make, they did not think it too much to ask to be relieved from this difficulty.

On the question that the words be inserted, the House divided:—Ayes 28; Noes 73: Majority 45.

List of the Ayes.

Anstey, T. C.
Baillie, H. J.
Bankes, G.
Bateson, T.
Bentinck, Lord G.
Buck, L. W.
Cardwell, E.
Christy, S.
Clerk, rt. hon. Sir G.
Corry, rt. hon. H. L.
Deedes, W.
Disraeli, B.
Gladstone, rt. hn. W. E.
Goulburn, rt. hon. H.
Gwyn, H.
Haggitt, F. R.
Halsey, T. P.
Hamilton, G. A.
Herries, rt. hon. J. C.
Hildyard, T. B. T.
Keogh, W.
Neeld, J.
Peel, rt. hon. Sir R.
Sadlier, J.
Townshend, Capt.
Vivian, J. E.
Vyse, R. H. R. H.

TELLERS.

Barkly, H.
Miles, P.

List of the Noes.

Abdy, T. N.
Adair, R. A. S.
Anderson, A.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. Capt.
Brand, T.
Brotherton, J.
Brown, W.
Butler, P. S.
Callaghan, D.
Campbell, hon. W. F.
Cavendish, hon. C. C.
Clay, J.
Cobden, R.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Duncan, G.
Duncuft, J.
Fagan, W.
Ferguson, Sir R. A.
Forster, M.
Gibson, rt. hon. T. M.
Greene, J.
Grey, rt. hon. Sir G.
Hastie, A.
Hawes, B.
Hayter, W. G.
Heathcote, J.
Henry, A.
Hodges, T. L.
Hume, J.
Jervis, Sir J.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
M'Cullagh, W. T.
M'Gregor, J.
Martin, J.
Maule, rt. hon. F.
Mitchell, T. A.
Morpeth, Visct.
Morison, Sir W.
Morris, D.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Perfect, R.
Pilkington, J.
Pinney, W.
Price, Sir R.
Rich, H.
Russell, Lord J.
Rutherfurd, A.
Salwey, Col.
Scrope, G. P.
Smith, J. B.
Somerville, rt. hn. Sir W.
Stuart, Lord D.
Sullivan, M.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Turner, E.
Ward, H. G.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.

Tufnell, H.
Hill, Lord M.

The CHANCELLOR of the EXCHEQUER wished to take this opportunity of stating the views of the Government with reference to the admission of refined sugars. The Act of 1846 prevented the introduction of foreign refined sugars; but since that measure was passed, the Dutch Government had represented to Her Majesty's Government that Belgian refined sugar made from beetroot grown in Belgium was clearly admissible under the provisions of that Act; and they had claimed, as by treaty they were placed on the footing of the most favoured nations, that sugar refined in Holland should be admitted for consumption in this country. Mr. Deacon Hume had contended, and this country had always maintained, that foreign sugar refined in this country must be considered as the produce of this country, and was entitled to be considered as such irrespective of the place of its growth. He certainly thought that on the principle thus laid down it would be inconsistent with the good faith and honesty which ought to be observed towards foreign nations to exclude Dutch refined sugars from our markets. Then, it being, in the opinion of the Government, impossible to exclude such sugar, the question arose as to the rate of duty to be imposed. He conceived that the rate of duty at which foreign refined sugar was admitted into this country should be the same at which sugar refined in this country was to be allowed to come into consumption. The only parties who could object to such an arrangement were the British refiners, who might claim some protection against the foreign refiners. The reasons they might urge for such protection were the bounty given by the Dutch Government to refiners, and the navigation laws of this country. With regard to the bounty given by the Dutch Government, he believed that the English refiners who refined in bond were able to compete successfully with the Dutch refiners in those countries and their markets; and therefore it was clear that the bounty given by the Dutch Government was of no great advantage to the Dutch refiners. He had been informed, that so little did the Dutch refiners value the bounty given to them, that they had applied to the Dutch Government for permission to adopt the system pursued in this country—to refine in bond. If the Dutch refiners were of opinion that refining in bond without drawback was more advantageous than refining with drawback, it must be clear to the House that they attached very little value to the bounty. The next ground upon which British refiners might urge a claim to protection was, the disadvantage under which they might be supposed to labour with respect to the navigation laws; but he thought any disadvantage they might suffer in this respect would not be of long continuance, for he hoped that in the next Session of Parliament a measure would be adopted which would obviate this complaint. The only other parties interested were the West India producers; they might object to the admission into this country of foreign refined sugar at such a rate of duty as would put them in a worse situation with respect to foreign refined sugar than they were in with respect to foreign unrefined sugar. He believed, however, that the measure proposed by the Government would give the same protection to the West India colonies with respect to foreign refined sugar as was afforded them against raw sugar. He considered that the duty upon colonial refined sugar was too high; and he therefore proposed to reduce the duty upon colonial double-refined sugar from 19*s.* 6*d.* to 18*s.*, and upon single-refined sugar from 17*s.* 4*d.* to 16*s.* He believed it would then be a matter of indifference to the colonial producer whether he paid a duty of 13*s.* upon raw sugar, or whether he had it refined in bond. He considered that this would be a great boon to the consumers, because the means would be afforded of bringing into the market a much larger quantity of sugar than was now available. He believed that the real interests of the West India proprietors depended upon an increased consumption of their produce, and that any measure which tended to promote that increased consumption must be most advantageous to them. He believed the refiners of this country had received a price more than remunerative for the cost of refining. The difference between raw and refined sugar was some time since more than 14*l.* a ton; and of late years it had been 18*l.* a ton. The reduction of prices on the raw material was equivalent to 36 per cent; but the reduction in the cost of the refined sugar was not at all in due proportion. He therefore thought it was quite consistent with sound principle to introduce a certain amount of foreign refined sugar for home consumption. If the price of refined sugar should be somewhat reduced, it would not be equal to the reduction in the price of raw sugar. The price of the manufactured article had been unduly kept up of late years; and he considered that, while by the proposed alteration in the duties the interest of the consumer was consulted, the interest of the West Indian producer would not in any degree be injured. He therefore proposed a reduction of the duty of 19*s.* 6*d.* on double refined sugar in the first column of the first schedule to 18*s.*, being the duty in the second column of the first schedule; and a reduction in the duty of 17*s.* 4*d.* on other refined sugar in the first column of the first schedule to 16*s.*, being the duty specified in the second column of the first schedule. He proposed also a similar reduction of the duty specified in the first column of the second schedule from 1*l.* 3*s.* 4*d.* on double refined sugar to 1*l.* 1*s.* 9*d.*, and from 1*l.* 1*s.* on other refined sugar to 19*s.* 4*d.*; and a reduction in the first column of the third schedule from 1*l.* 7*s.* 9*d.* on double refined sugar to 1*l.* 5*s.* 6*d.*, and from 1*l.* 4*s.* 8*d.* on other refined sugar to 1*l.* 2*s.* 8*d.* He admitted there were inaccuracies in the further columns, which were of small importance, and which he proposed to correct in the Committee on the Bill. The right hon. Gentleman concluded by moving that the duty on double refined sugar be reduced from 19*s.* 6*d.* to 18*s.*

Mr. GLADSTONE felt great anxiety with respect to the question of the treaty between this country and Holland. The right hon. Gentleman had intimated an opinion that this country had no discretion in the matter, but were bound by that treaty to admit the refined sugar of Holland, although made from materials not the produce of Holland, upon the same terms as sugar produced in Belgium—that, in point of fact, they had no right to draw a distinction with respect to the country of production, but only with reference to the country of manufacture. He thought it was dangerous to lay down that principle, and say that it ought to constitute the general rule of their legislation. He did not, however, wish to tie up the hands of the Legislature from introducing exceptions. He questioned the doctrine that they were bound by their treaty with Holland to admit her sugar, refined from raw sugar produced in the tropics, upon the same terms as the sugar refined in Belgium, produced from beetroot grown in Belgium. It was the practice of Russia to make a distinction in regard to Cuba sugar—that distinction turning upon the point, whether the sugar had received a given state of refinement in this country, or in the country of its production. Russia laid a higher duty upon Cuba sugar, which had been brought to a given state of refinement in this country, than that which would have been imposed upon it if it had been refined in the country where it was grown. That country had a right to make a distinction in respect of the materials of which any article imported might be manufactured. It was a distinction of which there were traces in our own laws. He would quote two instances, one from the British Possessions Act of 1832. In that Act sugar refined in England from colonial sugar was made admissible into the British North American colonies free of duty; but sugar refined in this country in bond from foreign materials was made admissible at a duty of 10*l.* per cent. The next instance, though small in its area of operation, was equally good, as proving the principle. By the 5th Section of the 5th and 6th Victoria, cap. 47, it was enacted that all manufactures imported into this country from the Channel Islands of Guernsey, Jersey, Alderney, and Sark, when made of materials of foreign origin or produce, should, for the purpose of duty, be deemed and taken to be produce imported from a foreign country. That was a case perfectly in point in every respect. If, then, they had a right to make that distinction as regarded their own colonies, they were entitled to recognise and enforce the principle as against foreign countries. He deemed it impolitic to impose restrictions on this country by giving to a treaty a construction which it did not properly bear. On that account he protested against the doctrine of the right hon. Gentleman. It was a question which must be judged on principle and policy alone.

Mr. CARDWELL said, it was quite clear that the West Indian planter was interested in this being the result of the measure before them, namely, that the refiner should not derive, by means of a protective duty, an undue profit. To that argument he entirely subscribed. The question, therefore, was, whether the proposed duties on single and double refined sugars, or the duties as set out in the Act of 1846, were the proper equivalents? Before they could decide this question it was necessary to know what the arrangements for refining sugar in bond were to be. At present no statement had been made on that point. Should the calculations of the right hon. Gentleman be not correct, the most serious consequences might result. Those who had spoken to him on the subject were not prepared to admit that a duty of 1*l.* 6*s.* 8*d.* operated as a protection, but they contended it was nothing more than a fair protection; therefore a duty of 1*l.* 4*s.* 8*d.* would be an inequality, and would operate as a protection to foreign refiners as against English refiners. It was also quite clear that the foreign refiner would produce sugar at an advantage over the home refiner, in consequence of the navigation laws. The hon. Gentleman concluded by asking whether the Chancellor of the Exchequer had any objection to furnish the information upon which his calculations had been made?

Mr. BARKLY had received a note from a large refiner in this country, stating, that he considered a duty of 1*l.* 4*s.* 8*d.* on refined sugar was equivalent to a duty of 18*s.* 5*d.* on the raw material, leaving the treacle out of the calculation. With respect to refining in bond, that might be a very excellent thing for the colonies in the course of a year or two; but in the meantime what would be the effect of the competition with foreign refiners? It would be such as to make the position of the West Indians much worse than that in which they formerly stood. He understood that within the last few days the sum of 70,000*l.* had been invested in a Dutch sugar refinery (the proprietors of which had been obliged to stop payment) owing to the impulse given to the refining of sugar in Holland by the proposal of the British Government.

Mr. JAMES WILSON said, the question to be considered was, whether the duty levied on foreign refined sugar was the equivalent of the duty levied by the Government on foreign raw sugar. A great many experiments had been made in an extensive sugar refinery and by the Board of Trade, which established the accuracy of the calculations adopted by the Government. If the Dutch Government chose to give a drawback on sugar exported, that was no affair of the British Government, who were bound by treaty; and whether that bounty would operate in favour of the Dutch refiners or not, was a subject which the House were not competent to entertain. One of our sugar refiners had assured him that he did not fear the competition of the Dutch refiners in the neutral markets, and that he was perfectly satisfied with the protection he had in the resolutions proposed by the Government. The statement of the hon. Gentleman (Mr. Barkly) respecting the resuscitation of a sugar refinery in Holland, was not exactly correct. The refinery in question had never been stopped; and, three weeks ago, before there could have been any knowledge of the intentions of our Government, arrangements were made for carrying on that concern as a joint-stock company, and the sum of money mentioned by the hon. Member was subscribed; these proceedings had therefore no reference whatever to the present Bill. He agreed with the right hon. Gentleman (Mr. Gladstone) that if they were beginning *de novo* to make arrangements with foreign Governments, they would have a right to make a condition as to the origin of the raw materials of manufacture to be imported; but when once those treaties were made it was not competent to superadd any such conditions. He believed that the advantage to the Dutch refiners in the drawback allowed by their Government was much less than was commonly believed; and it should not be forgotten that the British refiners were further protected against their Dutch rivals by the cost of bringing the sugar from Holland to this country, which was equivalent to a protection of from 1*s.* 6*d.* to 2*s.* 6*d.* per cwt. in their favour, according to the quality of the sugar. While, therefore, the British refiners were placed upon a footing of equality with the foreign refiners, they had the further advantage of being close to their market.

Lord G. BENTINCK did not deny that the reductions of duty on double refined sugar from 19*s.* 6*d.* to 18*s.*, and on single refined from 17*s.* 4*d.* to 16*s.*, with the proposal to permit British refiners to refine in bond, were, taken together, a very great boon to the British planter. But he was sorry to hear the Government talking of the above forming a measure that would take a long time in preparing. Unless they had an assurance from the Government that before the Session passed over, the measure should be prepared, matured, and passed, the sugar interests would be in a curious condition. They were now at the end of July; and if it would take a long while to mature this schedule of duties and pass it into an Act of Parliament, the colonies would get the unfavourable part of the measure, and would not obtain the countervailing boon. This measure of the Government was a mode of carrying out the plan of an *ad valorem* duty, which was in all respects the most desirable. In the first place, it encouraged the colonies to bring their produce to this country in the most crude and least manufactured form, thereby saving the labour which was so valuable in the colonies. Then, in proportion as the produce was brought over in a crude state, its bulk was largely increased, and that was an advantage to the shipping interests, while it must add largely to the business of the British refiners. Therefore in all respects he highly approved of the plan of the Government, if they only carried out their object; but he heard both out of that House and in the House that great practical difficulties surrounded the question; and that if they allowed the Government to pass this measure without the other, the sugar interests would be left with the bad part of the Government measure, and would not get the good. He believed the price of sugar imported in unprivileged ships was 2*s.* 6*d.* per cwt. less than that imported in privileged ships, and that was consequently the protection in this country which the navigation laws gave to the British planter. The advantage of the Dutch refiner for the next twelve months would be 2*s.* 6*d.* per cwt., there being 17,000 tons of foreign sugar in the united kingdom in unprivileged ships, which were worth 2*s.* 6*d.* less than the sugar of similar quality imported in privileged ships. It was quite clear that the navigation laws would for this year give the Dutch refiner an advantage of 2*s.* 6*d.* per cwt. over the English refiner, in sugars for home consumption. He held in his hand two samples of Dutch sugar, the price of one of which, on Saturday last, was 23*s.*, and on Monday, after the explanations made in that House, the price of the same sugar in bond rose to 25*s.* The other sample was of single refined Dutch sugar, of which the price was 21*s.* 3*d.* ten days ago, but which rose to such a figure as to establish a difference of 7*s.* 7*d.* With respect to the assertion of the Government that the Dutch were entitled to insist on the admission of their refined sugar, he wanted to know how the Government reconciled their present statement with their statement of the 30th of May last, that they did not intend to alter the Sugar Act of 1846; because by that Act they imposed those differential duties, and by the 6th Clause obliged shipmasters or consignees to prove that the sugar, if imported at those rates of duty, was *bonâ fide* the produce of the country from which it was imported. What had the "favoured nation" clause to do with the question? They took from Cuba and from Belgium sugar which was the produce of those countries. They would take from Holland beetroot sugar, which was the growth and produce of that country. But that, as regarded sugar imported into Holland, Holland should presume to claim a greater degree of favour than was accorded to Cuba, Port Rico, Brazil, the United States, or the British colonies, implied a construction of the Act for which he could see no foundation.

Amendments made.

Bill reported.

THE IRISH SEDITION TRIALS.

On the question that the Speaker do leave the chair for the House to go into a Committee of Supply,

MR. KEOGH rose to move—

> "For the appointment of a Select Committee to inquire into the Law and Practice of Striking Juries in Criminal Cases in Ireland, and especially into the facts connected with the Striking of the Juries in the late Cases of 'The Queen against William Smith O'Brien, M.P.;' 'The Queen against Thomas Meagher;' and 'The Queen against John Mitchel.'"

The hon. Member said, he had not expected that the proposition of which notice had been given that night by the noble Lord would have been submitted to their consideration when he came down to make this Motion. Not that he questioned the propriety of the course which was proposed; but certainly it increased the responsibility of any person who submitted such a question at the present moment, that Her Majesty's Government found Ireland in such a perilous state of confusion, that they could not be answerable for the maintenance of peace in that portion of Her Majesty's dominions, except by a temporary, but still a long, suspension of the constitution of these realms. It occurred to him that it would be peculiarly unfortunate if they were to close this Session of Parliament without being able to give a due account to their constituents in Ireland, when a case was brought forward, involving not only grave suspicion, but surrounded by circumstances which, unless they were fairly explained, left no doubt on the mind of every right-thinking man, that justice had not been duly administered in the cases to which he should refer. It would be most unjust if they were to return to their constituents, and tell them that they had been employed only in passing measures of coercion, but that measures of conciliation they had none to give. For the purposes of the present matter it might be said that the law as to striking juries in Ireland was theoretically the same as that in England—the Act 3 and 4 William IV. was the Act by which the striking and selection of juries was regulated in Ireland. He was prepared to prove that in every transaction connected with the striking of the jury in the case of John Mitchel, now a convict at Bermuda, from the original selection of the panel down to the time at which they were in the box, there had been very gross invasions of the due administration of justice. In the outset he might call the attention of the House to an anomaly in the selection of juries in Ireland. The sheriff of the city of Dublin was chosen immediately by the Crown; which, in his mind, was a reason why the Government should take peculiar pains that no suspicion should rest upon the juries appointed to try political offenders. Juries were chosen immediately in the manner prescribed by the Act of Parliament—the qualification was pecuniary—they were returned at the commencement of the year upon the collection of the grand jury cesses, and their names were preserved in a book kept in the office of Recorder. The juror's book for the present year contained the names of 4,570 persons; of these, 2,965 were Roman Catholics, 1,635 Protestants, or something less than two Roman Catholics for one Protestant on the juror's book. The sheriff had to select from the list such a number of names as would be sufficient to try offenders before the Commission; and in this particular case the sheriff selected 150 names. If that selection had been made by lot or ballot, the chances were that two out of every three of the 150 would have been Roman Catholics. But the selection was made by a sheriff appointed by the Crown; and what was the ratio? More than four to one of the whole 150 were Protestants, and only one-fifth were Roman Catholics. By Act of Parliament the sheriff was bound, when he struck the panel, to sign it—to issue his warrant to the summoner, calling upon him to summon the different persons named in the warrant, who was required to summon them at least six days before the opening of the Commission. In this case the Commission opened on the 20th of May; on the 11th May persons were summoned to serve on the jury; other persons were summoned on the 13th of the month; and it so happened that those persons were Roman Catholics. They came into court on the day of the trial, produced their summons signed by the proper officer, and it appeared that their names were not on the panel by which Mitchel was to be tried. To what conclusion did this inevitably lead? Either that a panel was previously prepared by the high sheriff on the 11th, and that Mitchel having been arrested on the 13th, that panel was withdrawn and another substituted; or that the summoner acted on the 11th and 13th without any panel having been prepared by the sheriff, and in so doing committed a breach of the Act of Parliament. If either of these practices were made manifest to the House as having been committed, doubtless they would have very little hesitation in granting the inquiry for which he asked. Mitchel was arrested on the 13th; on the 20th his trial came on. It was stated in open court, and deposed to on solemn affidavits made by the prisoner himself and the attorney for the prisoner, that the brother of Her Majesty's Attorney General for Ireland, holding under him the office of clerk, was concerned in unfair practices touching the selection of the jury. An attempt had been made to serve him for the trial of Mitchel, and a postponement of two days was asked in order that his attendance might be secured. He would venture to say—for they had experience of what the conduct of Her Majesty's Attorney General had been in like cases—that in this country that application would have been acceded to; but it was refused in Dublin. He had said there was a grave suspicion that one panel was prepared on the 11th, then withdrawn, and another substituted. Look at the evidence of the high sheriff. He was asked—

> "Was the panel all prepared on one occasion?"

The answer was—

> "It was, as well as I can recollect.
>
> "Was it prepared before or after the 13th of the month of May?—To the best of my recollection it was before it; I am not certain.
>
> "Was the panel all made on that occasion?—Yes, it certainly was."

The evidence of the under sheriff on the same point was:—

> "Were you present at the framing of the panel?—I was.
>
> "Was it prepared on one day?—I cannot recollect the exact day on which it was prepared, but I think there were two days occupied in preparing it."

The high sheriff is asked—

> "Was it you that selected the names from the book, or was it the under sheriff?"

The high sheriff says—

> "I did it."

The under sheriff is asked—

> "Was it you that selected the names from the book, or was it the high sheriff?"

The under sheriff says—

> "I rather think I did it."

How was it possible to reconcile those two statements? The high sheriff went on still further, and being asked if he had selected those names from the only proper place, the jurors' book of the city of Dublin, said he had so selected them. The under sheriff was examined, and he said he received at least a hundred of those names from a Mr. Wheeler, who had been acting in some capacity in the sheriff's office, and who, it was a most remarkable circumstance, left the city of Dublin two or three days before the day of trial of the challenge, which was one ground assigned for the application of postponement. Two gentlemen were selected to try whether that panel was fairly chosen or not, both of those gentlemen holding a very high and responsible position in the city of Dublin. As regarded the politics of those gentlemen, he thought he might safely state that they both would feel very much offended if they were not thought to entertain very strong opinions in one direction, certainly not the most favourable to the accused.

However, the panel was found to be fairly chosen, the sheriff stating that it was selected for its wealth and respectability, whilst the under sheriff said he had received 100 out of the 150 names from Mr. Wheeler, who was conveniently absent in London. Out of the whole 150 there were but 28 Roman Catholics, and out of the first 70 names only 8, the remainder being placed last on the list, so that there was every possible chance of their not being called upon to serve. The jurors' book was arranged alphabetically. There were two persons of the name of Moore in it ; they resided next door to each other in one of the principal commercial streets of Dublin, carrying on the same business, and holding similar stations in society. The one was a Protestant, the other a Roman Catholic; and the sheriff, if he went through the list impartially, would necessarily find the one Moore near the other. Yet the Protestant Moore was placed twelfth, and the Roman Catholic Moore appeared the 122nd man of the 150. Surely, when the Attorney General observed the unfair selection, it became his bounden duty to do all that in him lay to restore the balance, instead of allowing the Catholics to remain as only one to four upon the panel; whereas they ought, according to the jurors' book, to have stood in the ratio of two to every Protestant juror. Only 71 persons altogether answered to their names, and out of that number 18 were Catholics. And what did the Attorney General ? As each Catholic came to be sworn for the jury, he was at once ordered to stand by, and thirty-nine out of the entire seventy-one were challenged by that officer. He would say to that House, that it was not a fair system of conducting prosecutions, for the Attorney General, while the prisoner only had the power to challenge twenty-seven persons peremptorily, to have the right to go on challenging every person, till he absolutely was enabled to put on his own jury to try the case. He perceived from a gesture of the Attorney General that he was not disposed to assent to the justice of this latter observation; but surely he would recollect that in Frost's trial, even the Chief Baron of the Exchequer, a very eminent authority, had declared that the Crown ought not to be allowed an unlimited right of challenge, while the prisoner could only challenge twenty names, and asserted his belief that the law recognised no such right in the Crown. Many other very eminent persons and lawyers entertained a similar opinion; and one legal authority, to whom hon. Gentlemen opposite, when out of office, were particularly disposed to bow—the late Master of the Rolls for Ireland, Sir Michael O'Loghlin, before a Committee of the House of Lords, in 1839—distinctly stated that he did not believe that such was the law of the land. Every lawyer knew that an ancient statute required the Crown to assign a cause for the challenge; and although in later times the prerogative had run so high that the Crown was not bound to comply with this requirement, still the propriety of neglecting it had been questioned on more than one occasion. Why were the eighteen Catholics who answered to their names set aside ? What excuse could the Attorney General have for departing so far from the instructions of many Attorneys General who had preceded him in the administration of the law in Ireland ? Her Majesty's present Ministers, when out of power, had never harped so much upon any one string as upon that of the unfair administration of the law in Ireland. Carrying out these views, Sir M. O'Loghlen, writing in February, 1836, to the Crown solicitors acting under him in Ireland, used language to this effect :—

> "I do not wish that you should exercise the right without having some sufficient cause, not founded on any political or religious distinction. I am glad to know, from what passed when I spoke to you on the subject, that you agree with me in thinking that convictions obtained in cases in which the right shall not have been exercised, will have a more beneficial effect than those which may be procured when some of the jurors are objected to. There may, and probably will be, some acquittals not warranted by a calm consideration of the evidence; but after an anxious consideration of the subject, and an experience of the result of the present system, I think that I should not on that account refrain from adopting the course above stated. In England no such right is claimed."

These instructions had been carried further by a gentleman who had subsequently held the office of Attorney General for Ireland, and who now filled the important post of Lord Chancellor of that country. He referred to Lord Chancellor Brady, whose authority no one would be disposed to impugn. He would now direct their attention to the manner in which it was supposed that system had been worked out, as given by Sir M. O'Loghlen and Judge Perrin before the Committee of the House of Lords, when asked—Supposing in the case of a political libel, a man notoriously a violent political partisan, and known to express at public meetings the strongest opinions corresponding exactly with those of the man upon trial, came forward, he should consider it safe for the administration of justice that such a man should be sworn? Sir M. O'Loghlen replied that the challenge might be maintained in such a case; but it was better that he should be allowed to be sworn than he should be set aside, and a conviction obtained upon the verdict of a jury selected by the prosecutor; and that he could state that during the time he was Attorney General he had many persons as jurors of notoriously identical political opinions with the accused, and yet obtained convictions. Judge Perrin, on being interrogated upon the same subject, answered —that he thought the moral effect of allowing the men to be sworn as they were returned by the sheriff, unless, indeed, there were good cause for the challenge, was preferable to exercising the right of challenge without assigning the cause. What was the reason that the present Attorney General had departed from these instructions? He had made the most accurate inquiries into the subject; and, after availing himself of every possible source of information, he was prepared to state in that House that ten out of those eighteen Catholics so set aside were not connected with any political association whatever. He would now come to what was, perhaps, a more serious part of the case. There was not only one such trial when the Catholics called to serve on the jury were set aside; but, unfortunately for the case which the Government would endeavour to make out, there had been four such juries struck off before the particular one to which he had just been alluding. He meant the trials of Mr. O'Brien and Mr. Meagher; and the juries that were struck to try John Mitchel in the case abandoned before the new Felony Act came into operation. Now, the practice of striking special juries was somewhat different. Forty-eight names were drawn from the ballot box for the special jury, 24 had been struck off, 12 of them by the Crown; but these 12 so struck off by the Crown were all the Catholics out of the 48; and 11 out of this 12 were totally unconnected with any political association. In the case of the jury to try Mr. Meagher for sedition, the Crown had struck off 10 Catholics, seven of whom were not connected with any political association. One of that seven was a Mr. Powell, a highly-respectable brewer in Dublin, who, he could state on his own knowledge, was of the very high Whig school of politics, if, indeed, he were not something nearer akin to a Conservative. A Mr. John Macailiff was another of the seven Catholics, who, although tinged with no political partisanship, had been struck off the panel; and he could avouch that Macailiff had habitually voted for the Conservatives and against the Repeal candidates. With regard to the jury in the case of J. Mitchel, for sedition, Thomas Laffan, Esq., a gentleman who had for several years sustained the office of a director of the Bank of Ireland, was a Catholic, and never interfered with politics at all, had also been struck off the panel. It was curious to contrast the recent conduct of the noble Lord now at the head of the Government, and the right hon. Baronet the Secretary for the Home Department, with the protestations in which that noble Lord and that right hon. Baronet dealt so profusely when the right hon. Baronet the Member for Tamworth was First Minister of the Crown. It was as curious as it was interesting and profitable to refer to *Hansard*, and to see what took place on the striking of the jury which was empannelled to try O'Connell and his fellow-traversers. The case then brought against the Government was, that from that jury ten Catholics were struck off by the Crown. It was distinctly proved with respect to eight of those Catholics that there was the strongest possible reason for suspecting that they were implicated with Mr. O'Connell in his political delinquencies, and that, in point of fact, they were members of his Repeal Association. The ninth was proved to have signed the requisition called the Tara meeting. The explanation, however, which was then offered in justification of the Government, totally failed to give satisfaction to the hon. and right hon. Gentlemen who now occupied the Treasury bench. He was at a loss to understand on what pretext of justice or of honour the Ministers should refuse to apply to the transactions of 1848 the same rule which they had applied to those of 1844. Look to the first paragraph in the speech delivered by the noble Lord, on the occasion of the discussion which took place in that House in 1844 with respect to the constitution of the jury in O'Connell's case:—

> "It did so happen then that, of the forty-eight name that had been chosen, there were only ten of those persons that were Roman Catholics, and

> it happened that it having been the former custom always to leave out Roman Catholics and Liberal Protestants, that those ten Roman Catholics and two Protestants were struck out by the Solicitor for the Crown. It does, Sir, appear to me that such a fact of itself deprives the whole of those proceedings of any weight or value. I could understand the objection that might have been made if those persons, whether Protestants or Roman Catholics, had contributed to the funds of the association. This might be a proper objection to them. It might be said, 'It is not because you are a Roman Catholic you are to be left on a jury. Your doing so does not entitle you more than any other man to be there.' But then with regard to two of those persons who have been struck off, there is an affidavit that two of them, and there is the affidavit made by one of them, that he was not a member of the Repeal Association, and never had been a subscriber to its funds. If that, then, be so, I collect that these two were left out because they were Roman Catholics; the conclusion is that the other eight, whether subscribers or not to the repeal funds, would have been equally omitted."

If the doctrines which the noble Lord so emphatically enforced in 1844 were correct, he should like to know on what grounds the noble Lord was prepared to justify the fifteen cases of exclusion of Catholics to which the attention of the House was now called? Where were the glorious promises of the noble Lord and his great protestations? He had been for two years and a half in office, and all he had been able to accomplish was to keep Ireland, not to govern her. The noble Lord was in his place until the present Motion was called on, but he suddenly vanished. A direct insult to the Roman Catholic population of Ireland did not appear to the noble Lord to be of sufficient importance to justify his attendance. In the absence, however, of the noble Lord, he would take the liberty of reading a passage from a speech delivered in the course of the same debate by the right hon. Baronet the Secretary for the Home Department. The words of the right hon. Gentleman were as follows:—

> "The moral effect of a verdict did not consist in the form of law, but in the conviction of its justice, and of the impartiality of the tribunal before which the cause was tried. In the present state of Ireland they were engaged in a solemn case of the administration of criminal justice. Were six Roman Catholics to be placed on their trial in such a country as Ireland, a country where party spirit and religious feeling ran high, before a jury of men holding opinions diametrically opposed in religion, and it might be supposed in politics also, to themselves?"

Such were the sentiments in 1844 of the right hon. Baronet. But about that same time there were statements made in the city of Dublin by other hon. Gentlemen—now Members of the Government—and a course of conduct was pursued by them, which if those same Gentlemen were right in the course they adopted in 1848, left the dispassionate observer no alternative but to conclude that their behaviour, in 1844, was factious and vexatious, and eminently opposed to the proper administration of justice. He had made it his business to refer to the papers of that day, and he found that twenty-four hours were not permitted to elapse before a meeting of Catholics was held in the city of Dublin to protest against the indignity which had been offered to the Catholic population of Ireland by the proceedings of the Government, with respect to the jury empanelled to try Mr. O'Connell. To the requisition convening that meeting, the name of no less a person than Her Majesty's present Attorney General for Ireland was attached; as also were the names of his right hon. Friend the present Master of the Mint, and the right hon. Gentleman the Under Secretary for Ireland (Mr. Redington). The Master of the Mint, for whose splendid intellectual attributes no man could have a higher admiration than he, attended the meeting, and what was his first declaration?—

> "It is," he said, "a source of very great pride to me, and a fact which I will remember with gratification as long as I live, that mine was the very first name that was attached to the requisition by which you have been called together. The time is come for making a great popular demonstration of our feelings, and a demonstration of our feelings is also a demonstration of our power."

(It was not then criminal to talk in that strain.)

> "The nation is now our own. My advice is, that you should present a memorial to the Queen and petitions to both Houses of Parliament, stating your cause of complaint with calmness and method, and without exaggeration. That all the Catholics have been struck off is an admitted fact. It has been suggested that they were all members of the Repeal Association, and therefore guilty of some of the overt acts charged in the indictment. Suppose they were so, I do not think such a circumstance would at all relieve the prosecutors from the grave imputation they have incurred."

Such was the language held in 1844 by the right hon. Gentleman the Master of the Mint. The right hon. Gentleman went on to argue the case, and submitted that if there had been in England an indictment charging an influential body with seeking Parliamentary Reform, vast indignation would be everywhere exhibited if the Crown Solicitor were to strike off the jury every one who happened to be a member of the Reform Club. He concluded—

> "The conduct of the prosecutors proved that foul play had been practised, and he, therefore, called for the strictest and most searching Parliamentary inquiry."

The reporter added, "The meeting here rose *en masse*, and cheered for several minutes." The next speaker at that meeting was Mr. Wyse, who called on his fellow-subjects in England to say whether it would be fair, in the event of a man who was a Chartist in politics being indicted for an offence, that all persons who happened to be Chartists as well should be excluded from the jury box. The third speaker was Mr. Redington, who declared it to be his opinion that the course pursued by the Government would neither redound to the credit of the Cabinet nor the safety of the State. Such were the sentiments formerly professed on the subject of jury packing by the very men who now sat upon the Treasury bench. But the most extraordinary matter of all was, that to the requisition convening the meeting was affixed the name of the present Attorney General for Ireland who conducted all the recent prosecutions. The next name in the list of those who so energetically protested against the practice of jury packing was a more exalted one than any yet cited, being no other that of the present Chief Governor of Ireland. A Motion condemnatory of the improper conduct imputed to the Government of the right hon. Baronet the Member for Tamworth having been brought forward by the Marquess of Normanby, and having been lost on a division, the dissentient Peers put their protest on record. The protest, as drawn up, contained five or six reasons of objection. The fifth reason ran in the following words:—

> "Dissentient, because the recent prosecutions have been conducted in a manner which deprives them of all that moral weight which belongs to the due administration of justice."

Some of the dissentient Peers signed the Protest for one, two, or three reasons; but the Lord Lieutenant was so taken by the whole proceeding, that his name appeared the second on the list; and the world was given to understand that it was for all the assigned reasons (for all without exception) that the signature of "Clarendon" had been attached. He had now considered this transaction in the same aspect as that in which that which was deemed to be a similar transaction was considered in 1844 by those who were now Her Majesty's Ministers; but he admitted that he should have but slight claims on the attention of the House, and could allege but trivial reasons in favour of the appointment of the Committee for which he was applying, if he had no better grounds on which to base his application than such as were furnished by the inconsistent and very contradictory conduct of those who had occupied the Treasury bench. Was there nothing in the present condition of Ireland to warn that House against doing anything to induce the people of that country to believe that the laws and institutions of England, which were given to them as a blessing and a boon, were not to be administered honestly and impartially, but that, on the contrary, justice was to be distorted by fraud and contrivance? Was there nothing in the present condition of Ireland which rendered it unwise and impolitic that the people of that country should be taught to believe that a man was not to get a fair trial under the laws of England; but that, on the contrary, the prosecutor was to be at liberty to select men to try a prisoner, not because they were impartial or respectable, but because of their decided and well-known aversion to his opinions? It had been asserted that the men selected to serve on the jury which tried Mitchel, had been so selected because of their wealth and respectability. Anything more incorrect had never been alleged. The foreman of that jury, so distinguished for its wealth and superior respectability, was a bankrupt in the city of Dublin within the last two or three years. Others of the jury had also been bankrupts or insolvents; and yet those were the men, to make way for whom men of well-known wealth, and whose respectability was true, genuine, and undoubted, were set aside, and contemptuously rejected. Was there any reason why the Government should thus tamper with the affections of the Irish people? The noble Lord now at the head of the Government saw, when in opposition, visions of plenty and unfailing sources of great prosperity for Ireland, which to realise and to make productive needed nothing but his advent to power. Waste lands became fertile valleys to his glowing imagination, and everything promised peace, plenty, and prosperity. The hon. and learned Gentleman opposite (Mr. Sheil), in powerful and commanding language, and with an eloquence which no one in that House but himself could have displayed, pointed out how the fertile resources of far distant colonies might be made subservient to the requirements of this country and of her poorer sister across the

Channel. Other hon. Gentlemen now in the Government drew pictures equally glowing. They all descanted on their peculiar hobbies; but every one of them, from the highest to the lowest, in both Houses of Parliament, stated, over and over again, that unless some settlement with respect to the Catholic clergy in Ireland were speedily achieved, there could be no peace in that land. The Session of 1847 passed over without witnessing any such measure. The Session of 1848 was about to expire, and no such measure had as yet been introduced. They had been sitting since November. The first thing that Government had called for was a Coercion Bill for Ireland. The Irish representatives naturally expressed their amazement, and protested against the infraction of so many solemn pledges, and the violation of so many glorious promises. They were told to keep themselves quiet, and that all would be right in February. The noble Lord (Lord John Russell) treated the House to a summary of the great remedial measures which it was in the contemplation of the Government to introduce. One of those measures was a Bill to facilitate the sale of encumbered estates. Of that measure he would not now speak in detail; but he had his own opinion of it, and did not think that in a country where five millions' worth of property was on sale, and could not find a purchaser, any great good would result from throwing ten millions more into the market. The next remedial measure that was promised was one for the improvement of the laws relating to landlords and tenants. What had become of it? Then they were to have had a Bill to improve the grand-jury system, which they were told was a pest, a nuisance, and a scourge; but no such measure had as yet, that he was aware of, been laid upon the table. What were the great remedial measures, he should like to know, which the Government had in their contemplation in the year 1846? Where were they? What had become of them? When the noble Lord was out of office, he had nothing but large schemes. Nothing moderate or small would do for him. He would have nothing that was not a large and comprehensive scheme. But at length an eventful period in the history of the noble Lord's party arrived. He alluded to the latter end of 1845, when the right hon. Gentlemen opposite were not able to form an Administration. The right hon. Baronet the Member for Tamworth again came into office; and then, as of course, no one would attribute to the noble Lord's party any motive for seeking for office, except a desire for the advantage of the country, the noble Lord came down on the 22nd of January, 1846, and said—

> "I certainly had formed a great and comprehensive scheme to lay the foundation of a lasting peace in Ireland. I certainly did entertain this dream, and it is on that account only that I regret I had not been able to form an Administration."

Surely, at the end of 1848, after two Coercion Bills, and another to be introduced before twelve hours passed by, he had a right to ask where was this great comprehensive scheme? And now, having stated these facts, and having made this appeal to the House, he would again ask them not to send the Irish representatives back to their constituents, without, in the words of the address of 1834, and of the reply from the Crown to that address, enabling them to say that they were "willing to redress grievances, and to examine into well-founded complaints." He would ask, was not the present a time, not for great comprehensive schemes, but for an inquiry demanded by justice? The warning had often been given in that House that the time might come when they should find it necessary to look to Ireland. The noble Lord had often reverted to the convulsions that might take place in Europe from any change in the Government of France. At the present time, when that change had taken place—when republics were springing into existence around them—when war was in the south of Europe, and when peace was scarcely established in the north—he asked, might not the moment be near when it would be advisable to rally round the Throne every portion of Her Majesty's subjects? He would ask them to show to Irishmen that they were ready to do justice; and he would say for all classes of his countrymen that they would find their valour and loyalty as conspicuous as it had always been in times gone by. He had brought the question forward in this spirit, because he was anxious to conciliate the Irish people. ["Hear!"] That sneer, he thought, but ill became men who for years had been in connivance with others, lashing the people of Ireland into the state of discontent of which they now complained. It ill became those who had encouraged, when out of power, every species of agitation in Ireland, and who had continued their connivance with the parties who were engaged in that agitation, after their accession to office. He had brought forward this Motion, he would repeat, from an anxiety to conciliate the people of Ireland, and to enable them to recover the vantage ground from which they had themselves retired; as he believed that if they granted this inquiry they would give an assurance to the people of Ireland that all their promises had not been pretences, but that they were really anxious for the welfare of that country.

Sir G. GREY: The hon. Gentleman stated that he addressed the House with much hesitation as to the prudence or expediency, under existing circumstances, of bringing forward this Motion. However, after having deliberately considered whether he would bring it forward or not, he had determined that it was his duty to bring it under the notice of the House; but in arriving at that determination, he had prescribed to himself—he intimated—the solemn duty and obligation of keeping strictly to the point, and of showing the House whatever might be the tone of his speeches made at different periods out of the House—whatever might be the tone and character of the few speeches he had made in the House since he had been a Member of it, that at all events to-night the House should see that he could keep within the bounds of moderation, and that he was only actuated by a pure love of justice, and a desire to establish the fair and impartial administration of justice. Therefore, the hon. Member was to abstain from every topic not necessarily connected with the point he had to establish, and the Motion he had to submit to the House. I appeal to the House as to how far the hon. Gentleman has kept that promise, in the latter part of his speech at least. I have, perhaps, no right to complain of this. Belonging to a Government which has failed to recognise the merits of the hon. Member, I probably should not be surprised at hearing from him a violent party speech, most unfairly impugning the conduct of the Government during the time they have been in office; though the hon. Gentleman seems to be forgetful of the time which this House spent (while the hon. Gentleman was making speeches at public meetings in Ireland) in passing Acts calculated to mitigate the severity of one of the most unparalleled visitations of distress, postponing discussions respecting popular rights and the extension of the franchise, to the work of feeding the hungry and clothing the naked, and rescuing from starvation and death the fellow-countrymen of the hon. Gentleman, whom he has deluded with the phantom of repeal. I will not now enter into that wide question which has been opened, and which may more properly be discussed on the Motion of the hon. Member for Rochdale; but I will content myself with saying that the Government will not be deterred, so long as they have the honour of holding office, from discharging their duty to their country, and from taking those measures on their own responsibility which the law authorises them to take, or in proposing to Parliament to grant additional powers for the purpose of maintaining the peace and security of Ireland, and of every part of this great empire, by any taunts of the hon. Gentleman, who, in 1841, was an ardent repealer, and admirer of the late Mr. O'Connell—who, at that time spoke of the Melbourne Government as the most paternal Government, and lauded it with his eloquence—who, in 1844, wrote a pamphlet just as laudatory of the Government of Lord De Grey—and who, if I am not misinformed, since he has taken his seat in this House, and while a petition was pending against his return, gave the Government reason to suppose that he would not be among their opponents, if they used their influence to have that petition withdrawn. [Mr. Keogh denied the truth of that statement.] If the hon. Member denies the truth of the statement, I must withdraw it. [M. Keogh: I repudiate all the statements of the right hon. Baronet excepting that referring to the pamphlet which has been alluded to.] I refer to an election dinner given to Mr. Dillon Browne, at which I find that a Mr. William Keogh was present. At that dinner the whole of the persons shouted out "Dillon Browne and Repeal," and the greatest enthusiasm was evinced in favour of "Repeal." It is on this evidence that I supposed the hon. Gentleman to be a repealer. And when the health of Mr. O'Connell was proposed, Mr. W. Keogh was called upon to respond to the toast; and that gentleman, after speaking in the strongest terms of Mr. O'Connell, and avowing his approbation of the course of that gentleman, and also expressing himself most enthusiastically for repeal, said—

> "You are fighting for English constitutional liberty led on by O'Connell, and under the most paternal Government I have ever seen, the Government over which Lord Melbourne presides."

If the hon. Gentleman denies his identity as the same Mr. W. Keogh, then I have nothing to say upon that point. And I would then refer to a pamphlet called *Ireland under Lord De Grey*, published in 1844, which has always been attributed to the hon. Gentleman, and I believe has not been repudiated by him, in which he warmly approved of the Administration of Lord De Grey. But I will repeat that the Government will not be deterred by the taunts of the hon. Gentleman from proposing to Parliament those measures which they think necessary for that country. I come now to the case the hon. Gentleman has laid before the House, avoiding all other topics; and I can assure the hon. Gentleman that I entirely concur with him in the opinion he has expressed of the importance of securing a fair and impartial administration of justice; but I confess I should be sorry to be tried by the hon. and learned Gentleman, if I may judge of his fairness by the extracts he has made from *Hansard*, which he has so diligently studied, although he has been so short a time a Member of this House. I will follow the hon. Gentleman in the course he has taken, although he reversed the order of the trials, thinking, perhaps, that the trial of Mr. Mitchel was a stronger case than either of the other two. The hon. Gentleman first referred to the conduct of the sheriff in striking the jury. I do not at all mean to say that anything was done by the sheriff inconsistent with the law, or the duty he had to perform. I am merely dealing with the case as connected with the Government; and have to consider how far the Government is affected by this charge. The hon. and learned Gentleman, who spoke as a lawyer, or rather as an advocate, should have said what is the power which the Government have of selecting the sheriff. The hon. and learned Gentleman must know that the Government have not that power. [Mr. KEOGH: They have for Dublin.] I understand the practice to be, for the Chief Justice to return the names of three gentlemen, and, out of those three, one is chosen to serve. But the hon. and learned Gentleman impugned the conduct of the sheriff; but, in doing so, he failed to establish the charge against him, of having made an unfair and partial selection of the jury list, in order to obtain the conviction of Mitchel. This question was raised by the challenge of the array; that challenge was made in the way pointed out by law, and a tribunal was appointed by the court legally to try the question. It was tried; and now the hon. and learned Gentleman asks us to set aside the verdict that was returned, and to decide that the sheriff acted with unfairness. Then the hon. and learned Gentleman said, that the brother of Mr. Monahan was away, and therefore there was no opportunity of examining him upon the question. That point was also raised in the court, and the court not only decided on evidence that there was ample time to have served that gentleman with notice, and dismissed the charge that he kept out of the way to prevent such service, but said that they believed the complaint was made for the purpose of delay. But, did the sheriff in the case do anything not authorised by law? He would ask the hon. and learned Gentleman whether a great portion of his remarks were not an attack upon the law rather than upon the practice, and whether the sheriff was not bound to return a certain number from the larger list, out of which the jury should be selected? The hon. and learned Gentleman said that in Frost's case another practice was adopted, that of an alphabetical list, and that an objection being made by the counsel for the prisoner of the departure from the usual practice, and the court appearing inclined to allow it, the Attorney General waved the point. But what does that show but that the usual practice being not an alphabetical arrangement, it gave rise to an objection; and that if the sheriff had in this case departed from the usual course, and made an alphabetical list, it would have been made the ground of an objection on the part of the prisoner's counsel. Then, said the hon. and learned Gentleman, the Attorney General having obtained this unfair selection, which had been prepared before the trial, should, in order to restore the balance, have left on the jury the Roman Catholics. I think that if the Attorney General had taken that course, he would have neglected his duty under the circumstances of the case. I will read to the House the instructions of the Attorney General to the Crown Solicitor, and will ask the House whether they are in accordance with the duty he had to perform, or whether it would have been better performed by his leaving on the list simply Roman Catholics because he found them there? The hon. and learned Gentleman said the instructions of Sir C. O'Loghlen required that the Crown Solicitor should not set aside any person on the ground of political opinions, and that the instructions of Lord Chancellor Brady were not to set aside any person on the ground of any political or religious opinions, and that the Crown Solicitor should be able to state the grounds upon which any person was set aside. But those instructions were issued for ordinary trials, and were justly so considered by Mr. Monahan; and his instructions to Mr. Kemmis, the Crown Solicitor, were these:—

> "'The Queen *v.* Mitchel.' Dear Sir—In answer to your letter requiring my instructions relative to the course to be pursued by you in setting aside jurors on the part of the Crown in this case, I beg to say it is not, and never was, my wish or intention that any juror should be set aside on account of his religious opinions. But with respect to the propriety of setting aside jurors on account of their political opinions, I do not think that the instructions given on the subject by previous law officers were ever intended to apply to a case like the present, in which a party is to be tried for a political offence, and is openly supported and countenanced by certain political associations. I have, therefore, no hesitation in saying that in the present case you should set aside on the part of the Crown, without regard to their religious opinions, all persons whom, from the inquiries you have made, and the information you have received, you find to entertain those peculiar political opinions avowed by the accused, and the associations by which he is supported; and, having regard to the extraordinary proceedings which have been had recourse to in order to intimidate the jury, I think you should also set aside such persons as, from their position, occupation, and circumstances, would be likely, by such intimidation, to be deterred from a fair and conscientious discharge of their duty as jurors. All that I wish for is a fair, impartial, and unbiassed jury; and, in my opinion, to allow any not coming within this description to be sworn would be to defeat the administration of the law, and be totally inconsistent with the true principle of trial by jury, which is, that the juror should stand indifferent between the Crown and the prisoner."

This is my answer to the charge brought against the Roman Catholic Attorney General when he is attacked for not retaining the whole of the Roman Catholics upon the jury. [Mr. KEOGH: No, no!] Perhaps the hon. and learned Gentleman is not conscious of what he said at the moment; but I understood him to say the whole of the Roman Catholics. But I would ask the hon. and learned Gentleman, whether, if he had held the office of Attorney General, he would have dissented from the terms of that letter, and would have altered one word of those instructions of Mr. Monahan? It is a notorious fact that jurors in Ireland have been subjected to a species of persecution for venturing faithfully to discharge their duty. It was to save Mr. Campbell from becoming an object of persecution that he was set aside. Mr. Campbell was a Catholic and a grocer; and it was apprehended that he would be ruined in his business if he were on the jury, and ventured to give a verdict for the Crown. If the House will only bear in mind the peculiar circumstances under which the trials took place, I am sure it will not be disposed to concur in the censure which the hon. and learned Member has cast upon the Attorney General for Ireland. The hon. Member stated that eighteen Catholics had been set aside; but he ought to have added that twenty-one Protestants were also set aside. The hon. and learned Member referred to ten persons who, he said, ought to have been retained on the jury in Mitchel's case; but I know that with respect to six of those gentlemen, they formed part of a list in the possession of the prisoner's solicitor to be retained in the panel, because, I presume, they were supposed to be favourable to him. That was the reason why they were set aside, and not because they were Catholics, for recollect, Mr. Mitchel himself was a Protestant. It was not true that the Crown exercised the right of peremptory challenge. The prisoner could exercise the right of peremptory challenge in twenty cases, but the Crown could not have recourse to it in one; the Crown could challenge only on cause assigned. I say, then, that in the circumstances of the case the Attorney General would not have discharged the duties of his office fairly if he had pursued the course which the hon. and learned Gentleman recommends. In Mr. O'Brien's case also the traverser was a Protestant; and, therefore, no religious question was involved in the setting aside of Catholics. I will read to the House a statement drawn up by the Attorney General for Ireland, which will place the House in possession of the principles on which he acted. The statement was addressed to the Lord Lieutenant, and is as follows:—

> "I do not believe that a single person was struck off the list of jurymen on account of his religious opinions. It is unnecessary for me, being a Roman Catholic, to assure your Excellency, that I could have no desire to exclude from juries persons against whom there existed no objection but that they were of the same religious persuasion as myself. It was in consequence of Mr. Kemmis's determination not to exclude any

Roman Catholic to whom no political objection existed, that he allowed the name of Mr. Fitzgerald to remain on the list, because he was a Roman Catholic; and he had not obtained any information leading him to believe that his political opinions coincided with those of the traversers. It is generally understood that Mr. Fitzgerald is one of the two who held out for the acquittal of Mr. O'Brien, the other being of similar politics, but a member of the Established Church. I believe, shortly after the trial, Mr. Fitzgerald attended a repeal meeting in Conciliation-hall, and took very great credit to himself for the course he pursued on the jury. Another thing which has, I understand, attracted observation, is that in forming the list of 48, some most respectable persons, magistrates—for instance, Mr. Roe—were objected to on the part of the Crown; while others, to whom a similar objection existed were allowed to remain in. This occurred in this way:—I was very anxious that there should be no danger of a postponement of the trial in consequence of not having a full attendance of qualified jurors, and accordingly instructed Mr. Kemmis to object to all persons not legally qualified to serve, as otherwise an objection would probably be made by the traversers at the trial. In pursuance of those instructions, when the name of Mr. Rowe, and, I believe, some others, were drawn, they were objected to by Mr. Kemmis. The counsel or solicitor who attended for the traversers admitted the existence of the objection, and the names were not put on the list. In a few minutes after the names of others similarly circumstanced were drawn, and a similar objection made, when the counsel for the traversers refused to admit the existence of the objection, though it was notorious, but beyond strict legal proof; this not being forthcoming, the person, though legally disqualified, was allowed to remain on the list of 48, and was afterwards struck off when reducing the list from 48 to 24. As it is probable some observations may be made as to the right exercised by the Crown of setting aside juries in the case of the 'Queen *v.* Mitchel,' I take the liberty of enclosing to your Excellency a copy of my instructions to the Crown Solicitor."

I have also a letter from Mr. Kemmis, the Crown Solicitor, in which he declares that he acted in strict accordance with the instructions given by the Attorney General. I will now proceed to notice the articles of indictment which the hon. and learned Member has preferred against myself. I anticipated that the hon. and learned Gentleman would refer to a speech which I delivered in 1841; and before this discussion commenced I went up to the library to look at it, and I found a passage marked with ink, probably by the hon. and learned Member himself. As I said before, I should be sorry to trust the hon. and learned Gentleman as an impartial judge, though I do not deny that he is a zealous advocate. The hon. and learned Gentleman, however, has not been very scrupulous in selecting extracts from the speech delivered by me on a former occasion to which he has referred. On looking back to that speech, there is not a word which I would not utter in the position I now occupy. I then held precisely the same opinion which I hold now, and which I then stated, that, commencing at the point at which the Crown Solicitor began to strike the juries, he could not, in the discharge of the duty imposed upon him, have taken any other course than that which he pursued. But the hon. and learned Gentleman kept that fact back. I am not surprised at that, because I know he is a skilful advocate; but I must say that I have a much greater opinion of his skill and talent than I have of his fairness and impartiality in conducting his case. In the speech to which the hon. and learned Gentleman has referred, I said, with regard to the striking of the jury—

"The right hon. Gentleman, feeling that the pure administration of justice was a subject upon which this House and the people of this country were most deeply and properly sensitive—feeling the force of the observations which have been made, both within the walls of the House and out of doors, upon certain parts of the proceedings in the late trials in Ireland, addressed himself first to the defence of the Government in reference to the exclusion of Roman Catholics from the jury by which the traversers in the Court of Queen's Bench were tried. Upon that subject I am bound to say, taking up the question at the point where the Crown Solicitor attended to strike the jury, and placing implicit reliance on the statement of the right hon. Baronet, I am not prepared to assert that the Crown Solicitor could have adopted any other course than that which he took. In expressing this opinion, I say nothing at present of the policy of the Government in instituting prosecutions which necessarily involved such a result."

I do not wish to reopen the question with regard to the policy of those prosecutions, as no observation has been made on the subject by the hon. and learned Gentleman. I then proceeded—

"But if, as appears to have been admitted, eight out of ten Catholics were members of the Repeal Association, and of the remaining two, one, although not a member, was proved to have signed the requisition for a meeting—for so he had understood the right hon. Gentleman— [Sir J. Graham: Was believed to have signed it, and not denied.] Believed and not denied, then, to have signed a requisition for calling one of those multitudinous meetings, the proceedings at which meeting were to furnish part of the evidence for the prosecution—I am bound to say that, with regard to these nine out of the ten Catholics, the Crown Solicitor would not have discharged his duty had he allowed them to remain upon the jury. With regard to the remaining one, the right hon. Gentleman has pledged his word that that person was believed to be a Protestant, but that, for reasons known to the Government, which they did not feel themselves called upon to disclose, he had been struck off, those reasons being irrespective of the question whether he was a Catholic or a Protestant."

Those are passages which the hon. and learned Gentleman should not have suppressed. I would ask the House what they think of the conduct of an hon. Gentleman who, in the present critical state of Ireland, comes forward and makes charges with an utter disregard of fairness and impartiality? I ask the House whether, in defending the conduct of Mr. Monahan and Mr. Kemmis now, I am departing in the least from the opinions I expressed in 1844? The hon. and learned Gentleman, not knowing that I had the means of referring to the speech, endeavoured to induce the House to believe that on the occasion to which he has referred, I denounced the conduct of the Government, and accused the law officers of the Crown of having discharged their duty partially. I am not now prepared to follow the hon. and learned Gentleman into the wide field of debate as to the remedial measures which ought to be adopted for improving the condition of Ireland; and still less do I wish to anticipate the debate which may arise to-morrow on the Motion of my noble Friend (Lord J. Russell). The hon. and learned Gentleman has commented upon my noble Friend's absence, as if, in leaving the House, the noble Lord had intended to offer an insult to Ireland, and as if—instead of attending to the responsible duties of his office—the noble Lord was seeking his own pleasure and ease. Now, I can assure the House that my noble Friend was influenced by no feeling of this kind; but as I was aware that he had most important duties to perform, I told him that I would remain here, with other Members of the Government, and that I proposed to address the House after the hon. and learned Member for Athlone (Mr. Keogh). On that understanding, the noble Lord left the House; and I consider that the attack which has been made upon him is most ungenerous, most unjust, and most unfair. When the hon. and learned Gentleman has been longer a Member of this House, he will know that taunts like these, even when thrown out by a man of his versatility of genius, will not affect the character of my noble Friend, whose life is before the country, and whose character commands the respect of all, except the hon. and learned Gentleman. I have now, I believe, referred to all those facts with regard to which the hon. and learned Gentleman seemed to be particularly excited. He himself holds Roman Catholic opinions, and he was anxious that Roman Catholics should have been retained upon the jury; but while I respect Mr. Monahan's attachment to the Roman Catholic faith, I honour him for not pandering to popular feeling by adopting the course which the hon. and learned Gentleman (Mr. Keogh) would evidently have wished him to pursue. I shall oppose the Motion of the hon. and learned Gentleman. If he impugns the jury laws, which are applicable alike to England and to Ireland, let him bring in a Bill to amend those laws. I must say that, in my opinion, the hon. and learned Gentleman has entirely failed to establish any case which would justify the censure implied by this Motion upon the Attorney General for Ireland and the Government. I am ready, if the hon. and learned Gentleman pleases, to take upon myself personally the responsibility of the course which has been adopted; and I certainly think he has entirely failed to show that the jury did not act in a most impartial and unprejudiced manner, and that they did not do full justice between the Crown and the prisoner upon trial.

Mr. KEOGH, in explanation, said it was a marked characteristic of that House to hear impatiently the defence of Members who might be accused. A great charge, or rather great charges, had been brought against him by the right hon. Gentleman. He had made altogether three charges against him, for none of which had he presumed to give his authority. He had stated, without authority, that he (Mr. Keogh) had caused the Government to be informed that he would support them—

Sir G. GREY: No; what he said was, that pending the petition presented against the return of the hon. Member, he had not given Her Majesty's Government any reason to suppose they would find him an opponent, provided the petition were withdrawn. The hon. Gentleman had denied that statement; and he (Sir G. Grey) had stated he was bound to take the hon. Member's word.

Mr. KEOGH said, the right hon. Baronet had not stated that he (Mr. Keogh) led Her Majesty's Government directly or indirectly to believe he should give them his support if a petition against him were withdrawn. But he was glad he had now an opportunity of saying he had not given Her Majesty's Government any reason to believe he should not be opposed to them if the petition against his return were withdrawn. So then now, in the place of a charge, there were only two refined negatives. He begged to ask the right hon. Gentleman why he (Mr. Keogh) should have held out any such expectation to Her Majesty's Government, having, as he had, fought his own election against a candidate who was pledged to the repeal of the Union? How could Her Majesty's Government have the power of withdrawing the petition? But he would now state some facts connected with the case, since the right hon. Baronet seemed so familiar with the repeal candidates and repeal petitions in Parliament. He (Mr. Keogh) had Friends in the House who he thought would repose confidence in the statements which he would make, and he would now tell the House, that having been opposed in his election by a repeal candidate, he had been offered, as he before stated, on the very hustings—he had been offered three different times, in the most solemn manner, that the repeal candidate should be withdrawn—he had been offered it by the Roman Catholic bishop, that the repeal candidate should be withdrawn, if, even in private, he would say that he would favour the repeal of the Union. He refused, and he was fortunate enough to secure his election. He would next state the particulars to which the right hon. Baronet alluded. He would speak to some Friends of his on the other side of the House. He said that he was there fighting a battle against a repeal candidate; that he had been opposed to the last in a contested struggle because he would not flinch from his declared hostility to repeal; and he asked his Friends why he should be opposed in such a contest by the Goverment and the Government money; by the money of a Government which had declared its hostility to a repeal of the Union? And why did he say that, but because he was told that the petition against him was supported by the promise of money from the Government? He had stated that to his Friends on the other side of the House, and he was sure the House would agree with him in thinking that such conduct on the part of the Government was most inconsistent and most unfair. But directly, or indirectly, he had never held out any expectation of support to Her Majesty's Government in that House, except so far as he could conscientiously give it. But the petitions were not withdrawn. Her Majesty's Government had not withdrawn the petitions. The right hon. Gentleman said he had no power to cause them to be withdrawn, and yet it was to Her Majesty's Government that he (Mr. Keogh) was to apply in order to have them withdrawn. But he said that the Government had the power, and the charge was a precise one, which he was going to make. It was, that a Member of Her Majesty's Government, the Under Secretary for the Colonies, had fomented, encouraged, and supported that petition against him. The hon. Gentleman looked quite incredulous—the hon. Gentleman who was rejected for the borough of Lambeth. The hon. Gentleman, after he had been rejected by Lambeth, sent a gentleman who was himself only twenty-four hours arrived from the colony of Newfoundland, where he had lately held the office of chief justice. He sent that learned gentleman along with the gentleman who had been his agent at the Lambeth election, to see if he could, with any chance of success, contest the borough of which he (Mr. Keogh) was now the representative. The ex-chief justice of Newfoundland arrived with the hon. Gentleman's agent, and he alleged several things in favour of the hon. Gentleman; amongst others, he especially urged the large number of suffrages which he had received in Lambeth. However, he did not think it well finally to try his chance at the election, and the ex-chief justice and the election agent decamped almost as fast as they had arrived. What was his (Mr. Keogh's) surprise to find that of the petitions lodged against his return—for there were three—the ex-chief justice had got up one signed by his (the chief justice's) father; and that whilst he was in daily communication with the right hon. Baronet himself, he used to come into the office to fight the petition, which he (Mr. Keogh) succeeded in defeating. The feeling in the borough of Athlone having, however, as he had stated in Kinsale, become the object of the hon. Gentleman's attention—

Mr. SPEAKER: The indulgence of the House in hearing the hon. Gentleman is confined to an explanation in reply to any personal attack made upon him.

Mr. HAWES hoped that, as the hon. Gentleman had commenced an attack upon him, he might be allowed to finish it.

Mr. KEOGH was only making statements which he thought were connected with the charges which the right hon. Gentleman had made against him. He next came to the second charge made against him by the right hon. Gentleman, who had charged him with having published a pamphlet in 1843 or 1844. He did not know whether it was the custom of hon. Members of that House to plead guilty to any charge of having published anonymous pamphlets which might be made against them; but if it were, he had no hesitation in saying he was ready to own any that he had published. But the right hon. Baronet seemed not to have made much of it; for although he (Mr. Keogh) was ready to avow the authorship, the right hon. Gentleman had not read a single extract from it. The right hon. Gentleman had said that as he (Mr. Keogh) was a lawyer, he might possibly plead the Statute of Limitations to what he had said in 1841; but he scarcely thought Her Majesty's Government could plead it as against what they had done in 1844. The right hon. Gentleman had accused him of suppressing passages and portions of his speeches; but the House had now heard both parties, and could judge between them whether the charge was a fair one. But where were the statements made by him which would support the charge made against him by the right hon. Gentleman?

> . . . . Quisnam
> Delator? Quibus indiciis? Quo teste probavit?

Where was the paper? Who was the authority? Let the right hon. Gentleman name the paper. He had read a printed thing which he called a report of a speech made by him (Mr. Keogh) in 1841. Where was the passage to be found? [Sir G. Grey: It was put into my hands only about five minutes before I got up.] When was it published? [Sir G. Grey: Before the general election in 1841.] He utterly denied, in the most solemn manner, that either directly or indirectly, in youth or in more advanced years, he had ever declared or uttered an opinion in favour of the repeal of the Union. And he would tell the House how he could prove it. From the time when he was a student in the University of Dublin—which was not so long ago—when they held their mimic debates in the Historical Society, he was always the strenuous opponent of the repeal of the Union; and he appealed to the hon. Member for Dundalk (Mr. Torrens M'Cullagh) to bear him out in his assertion that he was almost the only member of that society who was an opponent to the repeal. With regard to the dinner, he would explain the circumstances connected with it. Being possessed of some small property in the county Mayo, he was down in the neighbourhood at the time; he found the late Sir William Brabazon, with whom he was perfectly acquainted; and a dinner was given to Sir William Brabazon, then Whig Member for Mayo, and to that dinner he was asked, and to that dinner he went. He recollected this most distinctly, that neither by word, act, or deed, did he assent to anything connected with the repeal of the Union; that, called as a young barrister to reply to the health of O'Connell, he spoke of him in terms of warm admiration as a person who had emancipated him as a Roman Catholic; but he could recollect that he guarded himself against using any expression which would imply a direct assent to the doctrine of the repeal of the Union; and he defied any hon. Gentleman to read a passage from the paper assenting to the repeal of the legislative Union. Whether the House would consider that as a satisfactory explanation of the accidents of seven years to a man just then entering on the world, and whose opinions were then as formed on the repeal of the Union as those of any Gentleman, it was for the House to decide; but he had never paltered with the question in a double sense—he had never given cheques for the support of the seat of repeal candidates, or, as a Cabinet Minister, forwarded to them the money which was to pay the price of their conversion.

Mr. HAWES: A very unexpected, a most unjustifiable, and perfectly unfounded personal attack has been made upon me by the hon. and learned Gentleman. I am here to meet that most unexpected attack upon me, and to give it the most unequivocal denial. I will state the facts, just as they occurred to me, in reference to the borough of Athlone. Immediately after the Lambeth election, a gentleman to whom the hon. and learned Gentleman has referred, came to my house and told me there was a prospect of my success at Athlone. I believe it is not at all an unnatural thing that a defeated candidate should receive such a communication. He told me there was a fair prospect of success at Athlone, and volunteered his services to go. I knew nothing of Athlone. I was not unwilling to seize any chance of obtaining a seat in the House, but I thought it a prudent precaution to send a friend in whom I had confidence. That friend went to the borough, and made a communication to me which led me decidedly to say, I was not a candidate for the borough. But, now I come to the more serious part of this unfounded charge against me—that I fomented, or stirred up, or was in any way party to, or cognisant to, a petition got up against the hon. and learned Gentleman. I was no party, directly or indirectly, in any way, nor had I the smallest knowledge that any such petition was got up; and it was not till long afterwards I heard accidentally of the petition. I had no interest in it—I cared nothing about it; and I assure the hon. Gentleman, in the most unequivocal way, that I had no knowledge of, and was in no way a party to, the petition.

MR. C. ANSTEY wished to recall the attention of the House to the subject immediately before it. The hon. Gentleman made several efforts to address the House without obtaining a hearing, and therefore moved that the House do now adjourn.

MR. REYNOLDS had to express his regret at so much acrimony and personal feeling being displayed. He had a good deal of experience in public meetings, and deliberative assemblies, and he could not charge his memory with recollecting an occasion when the question under consideration was so widely departed from as on the present occasion. The hon. and learned Gentleman who introduced the Motion, stated that his object in doing so was to set Her Majesty's Government right with the people of Ireland, and reinstate them in public confidence. But what degree of credit the hon. and learned Gentleman was entitled to when he made that assertion, he (Mr. Reynolds) would leave the House to judge. Certainly his speech did not appear to him (Mr. Reynolds) to be calculated to improve their position. In the course of that speech, the hon. and learned Gentleman had appealed to him to verify his assertion as to the respectability of the Catholics who had been excluded from the juries of Mr. Smith O'Brien, of Mr. Meagher, and of Mr. Mitchel. As a citizen of Dublin, intimately acquainted with that community, he felt no hesitation in saying that those gentlemen of his creed who had been excluded from those juries were men collectively and individually most respectable. He believed that, in public and in private, their reputations would be found to be unblemished, and their characters unimpeached and unimpeachable. He (Mr. Reynolds), therefore, had always expressed his surprise that the Attorney General for Ireland, or whoever represented that functionary, thought it was his duty to exclude them from the juries on those State trials. He believed that foul play had been adopted in the selection of those juries; he had always stated so in public and in private; and he believed that a deep wound had been inflicted upon the administration of justice in Ireland by such selection. During the debate, he (Mr. Reynolds) had heard imputations thrown out, not against Roman Catholics, but men who, like himself, were sincere advocates for the restoration of the Irish people to the right of self-legislation; and was he to be told, in that House, that, because he was an advocate for the repeal of an Act of Parliament, he was not to be believed upon his oath? If they put forward such a doctrine as that, the people would despair of receiving justice at their hands. He therefore cautioned hon. Gentlemen against promulgating such doctrines; for they might drive the people to despair, and must then be prepared to take the consequences. With regard to the selection or packing of the juries, if ever there was a period when it should be an especial object to avoid any complaint on that head, this is the period. It appeared that the Government had unfortunately undertaken a system of wholesale prosecution—where it was to end, God could only know; but much as he (Mr. Reynolds) was opposed to the suspension of the constitution—strongly as he was opposed to Coercion Bills, whether they called them "Arms Bills," or "Felony Bills," or "A Bill for the Suspension of the Habeas Corpus Act," he would rather one and all of those Bills should be enacted, than be told that, as a Roman Catholic, he was not deserving of confidence, and that he was not fit to be believed upon his oath. They were told that the strongest bulwark of their liberty was the trial by jury; but he would be glad to know how they could get the people of Ireland to believe that doctrine if they sanctioned the packing or selection of juries? Reference had been made by the hon. and learned Gentleman to the former opinions of Gentlemen on the Treasury benches; he said they wrote so-and-so on a certain day, and stated so-and-so on a certain day, and that they now turned their backs on the principles they had formerly professed. The hon. Gentleman accused denied the soft impeachment, and so the matter remained unsettled. The hon. and learned Gentleman said, he never was a repealer

—that, thank God! whatever false steps he might have taken, he had not fallen into that abyss—and had not advocated the restoration of the Irish Parliament. If the hon. and learned Gentleman had done so, it appeared to him that the hon. and learned Gentleman would not be one particle less respectable than he was. Reference had been made to a speech, which was said to be delivered by the hon. and learned Gentleman in the year 1841. But there was a mistake in the date—it appeared that the speech was delivered in the year 1840; he held in his hand an extract from that speech, and as it settled the question, the House would probably permit him to read it. It was taken from the *Freeman's Journal*, October 7, 1840, Lord Melbourne being then Prime Minister. The speech was delivered at a dinner given at Claremorris, and which was intended to compliment the then hon. Members for the county of Mayo, both of whom were pledged repealers—Sir W. Brabazon and Mr. Dillon Browne. The hon. and learned Gentleman the Member for Athlone was present, and the toasts were as follow: "Her Majesty the Queen, Prince Albert, and the rest of the Royal Family resident in England"—that excluded the King of Hanover—"Her Majesty's Government—the Repeal of the Union—Daniel O'Connell." In the course of an eloquent speech delivered by Mr. Dillon Browne, he went on to propose, after several other toasts were given, "the health of Daniel O'Connell, Esq., M.P.;" and there having been loud calls for Mr. William Keogh, that gentleman, after being repeatedly called upon, addressed the assembly as follows:—

> "I am as yet nearly a stranger to you, and must claim your kind indulgence. I have only within the last few hours arrived from a distant part of the country. I thank you for the great honour you have conferred on me in allowing my name for an instant to be associated with the great men of Ireland and of Europe. The compliment you have paid me is entirely unexpected, and shall be warmly remembered; at the same time my breast is full of the subject on which you have debated; and in common with every young man who chooses to enlist in the ranks of his fellow-countrymen, it beats high with hope. It is an honour to have my name associated with the great patriot who, after thirty years' exertion, is still followed with undeviating fidelity and undiminished love. I feel that nothing unworthy of his great name should be stated. Where shall I begin? We are fighting for English constitutional liberty, led on by O'Connell, and supported by the most paternal Government Ireland has ever seen—the Government presided over by Lord Melbourne."

He (Mr. Reynolds) would be glad to know if that was not a speech sanctioning the repeal of the Union? The hon. Member had published a pamphlet in 1840, which contained very different opinions indeed from those expressed by him at present; and was as much opposed as possible to his present views, at least according to his own account. A court of justice in England had decided that the mode in which the trial of Mr. O'Connell had been conducted in Ireland was "a mockery, a delusion, and a snare;" but of all the acts which the Irish Government had committed, the late trial was the most unprecedented.

The House divided on the question that the House do adjourn:—Ayes 22; Noes 155: Majority 137.

[It seems sufficient to give the Ayes only on the Division.]

List of the AYES.

Archdall, Capt.
Bateson, T.
Bentinck, Lord G.
Chichester, Lord J. L.
Christy, S.
Devereux, J. T.
Dundas, G.
Dunne, F. P.
Fitzgerald, W. R. S.
Fox, R. M.
Galway, Visct.
Gaskell, J. M.
Greene, J.
Hudson, G.
Ingestre, Visct.
Keogh, W.
O'Connor, F.
Sadlier, J.
Scott, hon. F.
Scully, F.
Sullivan, F.
Waddington, H. S.

TELLERS.
Anstey, T. C.
Taylor, T. E.

Debate adjourned.

House adjourned at half-past Two o'clock.

HOUSE OF LORDS,

Saturday, July 22, 1848.

MINUTES.] PUBLIC BILLS.—*Received the Royal Assent:*—Consolidated Fund; Poor Removal; Commons Inclosure; Game Certificates for Killing Hares; Certificates for Killing Hares (Scotland); Imprisonment for Debt (Ireland); County Cess (Ireland); Appeals on Civil Bills (Dublin).

HOUSE OF COMMONS,

Saturday, July 22, 1848.

MINUTES.] PUBLIC BILLS.—1° Rum, &c., Duties; Habeas Corpus Suspension (Ireland); Metropolitan Commissions of Sewers.

2° Habeas Corpus Suspension (Ireland).

Reported.—Habeas Corpus Suspension (Ireland).

3° and passed;—Habeas Corpus Suspension (Ireland).

PETITIONS PRESENTED.] By Mr. Corry, from the Grand Jury of the County of Tyrone, for the Suppression of Clubs and Seditious Journals (Ireland).

SUSPENSION OF THE HABEAS CORPUS (IRELAND).

LORD J. RUSSELL rose to bring forward the Motion of which he had given notice, namely—

> "For leave to bring in a Bill to empower the Lord Lieutenant, or other Chief Governor or Governors of Ireland, to apprehend and detain until the 1st day of March, 1849, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government."

The noble Lord said: I never felt so deep a concern in bringing any question before the House as that which I now feel in proposing to the House to suspend for a limited time the constitutional liberties of Ireland. I feel, however, at the same time, that the measure I am about to propose is necessary for the preservation of life and property in Ireland—that it is necessary for the purpose of preventing bloodshed—that it is necessary to stop an incipient insurrection—and that it is eminently called for in respect to the safety of the British empire. With this conviction in my mind, therefore, I shall proceed without any further preface or apology to state to the House the grounds upon which I rest the proposition I am about to propose. It appears to me, Sir, that it is absolutely necessary I should prove three things as the grounds of my proposition. One is, that the present state of things in Ireland is fraught with evil—that it threatens danger—and that we are on the eve of an outbreak if it is not timely prevented. The second is, that there are means sufficient to produce great injury and great danger unless some measure is adopted to avoid them. And the third is, that the measure which I shall have the honour to propose, is that remedy which appears most appropriate in the present calamitous state of Ireland. With respect to the first of these propositions—the present state of Ireland—I do not propose to rest my case on any secret information, on any grounds known solely to the Government of this country or of Ireland—upon any information resting upon doubtful or uncertain evidence as regards the accomplices in the proposed rebellion—I propose to rest my case upon facts which are patent, notorious, and flagrant. This House is aware that a good number of years ago, after the passing of the Emancipation Act in 1829, there were formed various associations in Ireland succeeding one another, under the direction of the late Mr. O'Connell, for the promotion of the repeal of the legislative Union. The House is likewise aware, that while in those associations, and in the meetings—the most numerous meetings—which took place on some occasions for the purpose of promoting this repeal, the most exciting language was used; while there was every appearance that that language might lead to insurrection, there was on the part of the leader of that agitation a frequent and emphatic declaration that, in his opinion, no political object was worth one single drop of blood, and that it was only by the force of demonstrations, by great numbers, by uniting all the people of Ireland in one exhibition of feeling and opinion — that their object, the repeal of the Union, was to be accomplished. I am not making any comment on these proceedings. I am not saying whether they were lawful, whether they were wise, or whether they were just. I only recall to the recollection of the House facts which are already known. Towards the end, however, of that course of agitation, and likewise towards the end of the life of Mr. O'Connell, there broke away from the old Repeal Association a new party, which took a course different both in its objects and the means by which they proposed to effect those objects. The object which Mr. O'Connell and the Repeal Association had held out to the people of Ireland was, that the Act of Union might be repealed—that a Parliament might sit in Ireland, constituted of Lords and Commons—and that, as a Parliament had sat in Ireland from 1782 to 1800, so likewise, by the repeal of the Union, another Parliament might be revived to legislate for Ireland. They also declared that they desired to attain that object only by peaceful agitation. The new confederacy, by whatever name they were called, held forth their object at first somewhat covertly and ambiguously, but more openly as they proceeded—although I think it was quite evident to any one who examined their language from the beginning, that their object was a total separation of Ireland from the dominions of the Crown. They held, on certain lax conditions, a sort of allegiance to the Sovereign of this country; but their object evidently was, that they should be totally independent, and that no counsels of the Sovereign of this country were at all to affect the course of legislation or administration in Ireland. They pointed clearly, as I think, to the separation of the two nations, and to the independence of Ireland under some other form of government; for, whatever might be thought—whatever I, for one, might think of the proposal of the repeal of the legislative Union, as tending to a dismemberment of the empire, that was a matter of reasoning, of argument, and of proof—the separation which these persons contended for was obvious on the face of their proceedings and proposals. Likewise, as to the means by which they proposed to effect their object—those means, from the beginning, were distinguished by the application of the term "physical force," as opposed to "moral force," which designated the mode of operation by the old repealers. By the term "physical force," they intended no less than rebellion against the Crown of this kingdom. They thought by means of rebellion, if successful, to establish the separate Government at which they aimed. Whatever might be the thin disguise assumed at first as to their object, or as to the want of power of carrying it into effect, a great change has been produced by the events which have taken place within the last few months. The misfortune which fell upon Ireland of the blight in the potato crop, and the consequent want of food by millions of her people—the imperfections which naturally belong to any plan of endeavouring by artificial means to feed those who are deprived of their ordinary subsistence—afforded to those who were looking to the separation of Ireland from this country the means of furthering their objects, and of exciting the passions of the people against this country. Be it observed that, as far as I know, they never did anything to assuage that calamity. While 8,000,000*l.* were lavishly poured into Ireland by the vote of this House—while 400,000*l.* were contributed by the voluntary assistance of persons in this country and Scotland, who could not bear to see their fellow-subjects perishing—all that was contributed by these parties were seditious harangues, inflammatory appeals to the passions of the people—and endeavours to misrepresent the motives and amount of the contributions of this country. When Ireland was in some degree, and but very slowly, recovering from this great calamity—when the evils consequent upon it, although still very severe, were somewhat mitigated, there occurred an event in a neighbouring country which has been productive of encouragement to all who wish the overthrow of our institutions; to all who wish to promote rebellion; to all who believe that the Throne and authority of this empire can be overthrown by revolt—I allude to the event which occurred in France in the month of February last. We cannot forget, that immediately upon that event a deputation was sent over to Paris, comprising amongst its numbers a Member of this House, with the view of asking assistance from a country which had just set the example of revolution, against the authority of this Government. The attempt was unsuccessful. The Government of that country, although sprung out of a revolution, felt that its duties towards neighbouring countries were paramount, and refused to lend its aid to their designs. Their projects, however, went on, and there was little or no disguise any further attempted as to what they really intended. We may all remember that a newspaper was set up, called the *United Irishman*, to whose arguments I will not call the attention of this House with any view to the author of the articles, because he is now suffering the penalty of the offence which he committed; but I call the attention of the House to the fact, because the sympathy which has been exhibited towards him by this party in Ireland shows that they identify themselves with the sentiments which were expressed by the author of those articles, and which were found in Ireland to be articles tending to the overthrow of the Government of the country, and to the deposition of the Queen from her crown and dignity. It is notorious that every kind of sympathy has been shown, and that every sort of indignation has been expressed, that a person who had avowed such sentiments should have been punished. It has been declared that he is one of the best patriots of Ireland, and that so far from deserving punishment he merited reward. Other papers were subsequently set up which followed in the same steps; and I now hold in my hand a newspaper called the *Irish Felon*, and so called because that individual was convicted of a felony; I wish to read a passage from the writings of one person, a contributor to that paper, who signs himself "James F. Lalor," in which I think will be found the general spirit of the sentiments which have been expressed by these Confederates. The writer says—

> "We hold the present existing Government of this island, and all existing rights of property in our soil, to be mere usurpation and tyranny, and to be null and void, as of moral effect; and our purpose is to abolish them utterly, or lose our lives in the attempt. The right founded on conquest, and affirmed by laws made by the conquerors themselves, we regard as no other than the right of the robber on a larger scale. We owe no obedience to laws enacted by another nation

> without our assent, nor respect to assumed rights of property which are starving and exterminating our people. The present salvation and future security of this country require that the English Government should at once be abolished, and the English garrison of landlords instantly expelled."

He goes on to state the means by which this is to be done:—

> "We advise, (he says), the people to organise and arm at once in their own defence. We mean to assist them, and to set an example by organising and arming ourselves."

Now, Sir, I do think that in these extracts is contained, in a few words, a true description of the object of this conspiracy, and of the means by which that object is to be effected. It is declared at once, first, that the Imperial Government—not the English Government, but the Government which represents England, Scotland, and Ireland—is to be utterly abolished. It proposes to take away from the Queen all authority over Ireland. It proposes, at the same time, to abolish at once all rights of property—save, indeed, that there is made a sort of menacing salvo with respect to those who shall break their oaths of allegiance and join in a rebellion. But with respect to the great body of those who hold property in Ireland, however acquired and however held, the threat is that they are to be deprived of it, and those rights of property are to be utterly abolished. It is proposed that the means for effecting this object should be by the people arming themselves, and being thus ready to encounter any force which the authorities may have at their disposal. Another article, written more recently, appeared in the *Nation* of July the 3rd, of which I will state the general purport. The article is headed "The Value of an Irish Harvest;" and it states that there is now growing on the Irish soil about 80,000,000*l.* worth of produce, and that it will be for the Irish League, consisting of a council of three hundred, or such other governments as may be appointed, to consider in what manner that produce shall be apportioned—what portion of it may be given as an indemnity to those who now hold rights of property in that country; what portion of it should be given to encourage industry and manufactures in Ireland; and what portion of it may be necessary for the purposes of government; but evidently intending that none of the existing rights of property shall be acknowledged; but that the whole of the produce of the Irish soil shall, by one sweeping act of confiscation, be held by and be at the disposal of these masters of what the French have called the "Red Republic"—men who have no regard whatever to any of the existing rules of our social state, or to any of those purposes for which society has been founded and is kept together—but men who give to the mind and the appetite of those who are without property or character themselves a vision that the whole of that produce which has been the fruit of regular industry—which has been the fruit of the institutions of society—which has been the fruit of property guarded and of rights enforced by those institutions, shall by one desolating measure be distributed according to the will and arbitrament of the rulers of that republic. I think I need not quote further to prove this fact. But there is one document more to which I will refer in regard to the objects of these confederates, because those objects are set forth in it evidently for the purpose of quieting alarm. I allude to the resolutions passed at a meeting held in Dublin on the night of Saturday, July 15, 1848. It had been stated in Ireland, and by none more earnestly than by the Roman Catholic clergy, that if such a confederation as has been formed should succeed in its purposes, there would be an end to all respect for religion, and to all regard for what men have hitherto held sacred, and that the rule of brute force would be established. In order to prevent the alarm which the doctrines held by these confederates have naturally excited, there was a meeting of the officers of what are called the Dublin Clubs held on Saturday night, July 15, at which Mr. John B. Dillon, described as the president of the Curran Club, took the chair. At that meeting the following resolutions were moved by Mr. William S. O'Brien, M. P., seconded by Mr. Richard O'Gorman, president of the Oliver Bond Club, and adopted unanimously:—

> "That the systematic efforts made by writers in the pay of the British Government to cause it to be believed that the repeal clubs of Ireland are organised for purposes of pillage and massacre, and for the overthrow of religion and social order, render it expedient that we should define the real objects of the club organisation; be it therefore resolved and declared—
>
> "That the purposes and end of our organisation are the overthrow of the power of the British legislation in this island;
>
> "That while we are firmly resolved to abstain, in our political capacity, from any interference in matters of a religious or sectarian character, we are not the less desirous that religion should be upheld, and the legitimate influence of its ministers maintained in its integrity.

> "That so far from desiring to overthrow social order, and to subject our country to universal anarchy, our first anxiety has been, and is, to secure the legislative independence of our country with the least possible injury to any class of its inhabitants; and in the accomplishment of these our designs we hope to put an end for ever to the sufferings and the disorders which have never ceased to afflict our people under the sway of Britain."

The House will see in this disclaimer that they meant to associate for purposes of pillage and massacre, that they do not disguise that their object is not to obtain a repeal of the Union, but to overthrow altogether the sway of the Government which they are bound to obey; and that nothing less than the dismemberment of the empire would satisfy their wishes and aspirations. So much, then, I think, from their own confession, may be taken as to what is their object. You may believe with me or not, that in the accomplishment of that object, they would necessarily overthrow the sway of religion, and the existence of property as it is now held in Ireland; but this you must believe, that it is a traitorous conspiracy intended to overthrow the Government of the united kingdom, and to put some new national authority, republican or otherwise, in its place, which is hereafter to rule Ireland as a separate country. That I say is the least—rating their objects as you will—that is the smallest end to which you can believe them to aspire. I come now, Sir, to that which I have stated would be the second proposition which I should have to submit to the House—namely, that there are formidable means preparing intended to produce rebellion, and which are only too likely to end in rebellion, against the authorities which now exist. Sir, although there may be projects of the most injurious and of the most mischievous character, yet if those projects are entertained by a few persons only—if they are entertained by some obscure club or insignificant association, such is the free constitution of the Government of this country, which permits every kind of opinion to be expressed, it would be felt that we should be sacrificing the greater to the less if we were to interfere by means of any extraordinary law to crush an evil in itself small in amount, and not to be compared to the general advantage and good arising from the perfect liberty of opinion which every man in this country has a right to enjoy. But although I believed for a time such was the nature of these projects, and although I had hoped that such would have continued to be the case, yet I am sorry to say that all the accounts that we have received from Ireland have tended to the conclusion that the organisation proposed by these confederates is formidable—that it is rapidly extending—and that in some parts of the country they and the persons associated with these confederates are already ripe for rebellion. After the law was passed by this House, somewhere about the month of April, which gave the power of bringing before a court of justice for felony persons who were conspiring to depose the Sovereign, or to levy war against the Sovereign, and by which law a great check was placed upon the designs of conspirators in Ireland, a confederation was formed in the organisation of clubs, and it was determined to send missionaries into the country with a view of persuading persons in the great towns, and even in small towns and villages, to adopt a similar organisation. For a time those efforts did not succeed. The accounts we received from the Lord Lieutenant of Ireland tended to induce us to believe that that organisation would not become immediately formidable. But very soon those accounts changed their character, and both the Lord Lieutenant and the Lord Chancellor of Ireland, founding themselves upon what they saw in Dublin and upon the accounts received from the country, pronounced that the confederacy of clubs was becoming organised, numerous, and formidable. It is, however, chiefly within the last month that these proceedings have assumed the character which I am about to detail to the House. In the first place, I will refer to a private letter which Lord Clarendon directed to my right hon. Friend the Secretary of State for the Home Department, in the beginning of this month, in respect to the then state of things. He stated that—

> "A decision need not be immediately come to by Her Majesty's Government; but I am afraid that before the Parliament is prorogued the Government will have to determine whether they shall ask for greater powers from Parliament, or permit the organisation for an immediate civil war to remain unmolested."

The accounts received through the constabulary reports, at the same time, from different parts of Ireland were of an equally formidable character. On the 3rd July the following account was received from Tipperary:—

> "There have been five Confederate clubs formed at Carrick-on-Suir; they have about 600 members in all. No persons but members are admitted to their meetings. Their object seems to be ascertain their strength in case of insurrection."

On the 5th of July, the following account was received from Meath:—

> "A meeting to form a Repeal Club was held at Trim on the 21st inst. Messrs. Duffy and Dillon were present and addressed the people, urged them to provide arms, and said they expected to see the constabulary in the front rank of the Irish National Guard."

On the 6th of July, the following was received from the county Louth:—

> "The United Irishman Club met at Dundalk on the 29th ult., about fifty persons present. The usual speeches were made. A Mr. Boxton said, he would endeavour to put the Government down unless they put him down; and if he were transported there were others to take his place."

The following was the account from Wexford on the 7th of July:—

> "A meeting of the Repeal Club was held at Bree on the 2nd inst. Mr. Whitty proposed several violent resolutions, that none but men of good character be admitted—no policemen to be admitted without a warrant. A Mr. Devin produced a pattern of a cheap pike for poor persons, urged the people to arm and drill, and suggested modes of attack, &c."

I should say that the method pursued by these confederates was in general to summon a meeting for some political object, to harangue that meeting in violent speeches, and immediately afterwards to form an association or club which was to meet secretly. There clearly have been in all these instances, in the first place, a meeting in which some speech was made of a violent character; but meetings then followed week after week, in which no persons were admitted but these who belonged to the Confederation; and if any person presented himself to be admitted, such as a policeman, for the purpose of giving information to the Government, or who went as a loyal man, to observe their proceedings, he was carefully excluded. The account received from Cork, on the 7th of July, is this:—

> "There are now about 15 Confederate clubs formed, or in the course of formation, in this city, and probably about 2,000 names enrolled in them; there are few, if any, respectable persons amongst them; some of these clubs have been open to the police visiting them; at a few, admission has been refused."

Another account from Cork, on the same day, states that—

> "A meeting of Confederates took place at Skibbereen on the 2nd, to enrol a National Guard; the speakers advised arming and organisation; it was stated 140 names were enrolled."

On the 8th of July, the following account was received from Wexford:—

> "A meeting of the Enniscarthy club was held on the 3rd inst.; a man named Dwyre attended, bearing a pole, with a pike on it. The constabulary were refused admission by a sentinel at the door, who stated that he would only admit them over his dead body; they, consequently, could obtain no information as to the proceedings of the club."

On the 10th of July, the report from Cork was this—

> "There are 15 clubs in Cork; their effective members are, it is said, 4,000. Mr. Thomas F. Meagher recently attended a meeting of the officers of the different clubs; he is about to proceed to America on a mission of importance. The police applied at the following clubs for admission, the first six refused it:—'Citizen,' 'Mercantile Assistants,' 'Arthur O'Connor,' 'Robert Emmett,' 'St. Patrick's,' 'Lord Edward Fitzgerald,' 'Wolfe Tone,' 'William Orr,' and 'Felon Club'—in the three last there was no business doing."

Now, these names are to be remarked, as some of them are the names of persons who were conspicuous in the rebellion of 1798, and they show clearly that the intention was to imitate the example of those times. The report from Cork, on the 11th of July, runs thus:—

> "Great exertions are made by the leaders of the clubs in Cork to complete their organisation; the members are well supplied with firearms and pikes—the latter are readily sold for 1*s*. 3*d*. each. From the reign of terror which prevails, little information can be had."

On the 13th of July, an account is given of a meeting held at Crossbany, in the county of Cork, on the 2nd inst., to form a Confederate club. They advised—

> "The people to arm, and demand their rights, 'with a clean steel in the hand of every man.' Not more than 150 persons attended; informations have been sworn as to the words used."

On the 14th July—

> "The Rev. Mr. Coone, Roman Catholic clergyman, addressed his congregation at Minnane, county of Cork, and urged strongly their joining a Confederate club, which Mr. Luke J. Shea would form after mass. Mr. Shea, who is a magistrate of the county, soon after addressed the people in the chapel yard; he urged them to join the club, said he would not do so if it were not perfectly legal; that each club should consist of 300 fighting men; that the clubs all over the country should be in communication with each other, under those in Dublin. Not more than 20 persons enrolled their names."

I wish, now, to state the occurrences which have taken place at Cork and Drogheda, since the beginning of the present month. At Cork, a meeting was held, which was attended by all the clubs, who marched, or, as Mr. Smith O'Brien terms it, "walked," in regular order, and who attended what he afterwards calls "a review." There was an inspection of the clubs; and the report states that—

> "As each club passed, the president announced

its name, and all gave the salute. Mr. O'Brien watched cautiously to see that each man gave the salute; and whenever a party forgot to do so, he rebuked him, occasionally saying, 'Just touch your hats as you walk along.' The St. Patrick's Club, having halted in front of him for a moment, he cried out, 'Do move along, and, when you meet the other club, turn to the east, as I want to see what kind of men the patriots of Ireland are.' On one of the clubs passing, he remarked on the number of young boys in it, to which Town-councillor Mullan replied, 'We are particular to enrol none under 16 years of age, and all these will be found to come up to that.' Mr. O'Brien having disapproved of the order in which one club marched, one of the members said, 'We want a little discipline yet, Sir, but we are willing to learn.' To which Mr. O'Brien said, in an authoritative tone, 'Keep up your places, and be silent.' A woman here rushed forward and exclaimed, 'Three cheers for the King of Munster;' to which Mr. O'Brien replied, 'Not yet—not yet; no shouting—no shouting.'"

Now, Sir, it is to be remarked that there were afterwards meetings of the clubs at Drogheda and at Dublin, and at both those meetings Mr. Smith O'Brien adverted in his speeches to what he said had been called his review at Cork—stating that the numbers that attended the review were very considerable; that they were ready to arm themselves, and to appear when they were called for. Another event to which I wish to allude took place at Waterford. A Mr. Meagher, who is one well known for having used language frequently exciting the people to rebellion and insurrection, was arrested at Waterford, on a charge of sedition. Several thousand persons collected together wished to rescue Mr. Meagher; but he declared that it would be wasting the blood of the Irish people to attempt such a thing. The Roman Catholic clergy, I am bound to say, used all their efforts to keep the peace, and Mr. Meagher was conveyed without resistance out of the town of Waterford. There was soon afterwards a meeting, which assembled on a mountain well known in the political history of Ireland, called Slievenamon, which was attended, some say, by 10,000, and others by 15,000 persons, to hear Mr. Meagher, Mr. Doheny, and others. When Mr. Meagher returned to Waterford from that meeting, he was waited for by several thousand persons, who wished to give him a welcome; and I have an account of what happened at Waterford, from a person with whom I have some acquaintance, whom I know perfectly well by reputation, and who is entirely trustworthy, as to the class of persons who were thus waiting to receive Mr. Meagher. This gentleman says—

"It being now ten o'clock at night, and dark, I resolved to go to the end of the bridge, where many thousands were waiting. . . . There were no politics spoken of, but that all the plans were making to upset the authorities, so that they may have the plunder. One fellow said, 'I am against plunder;' 'Well, and so am I,' was the answer; 'but it is not plunder; they once got it from us, and it must be our turn now.' This was the sole and serious burden of their song; and I have no hesitation in saying that, unless Government take instant steps, although they will in the end get the better of these people, before that much property and the lives of many respectable people will be sacrificed."

I can answer for the character of the gentleman who wrote that letter, being a man of experience, both in civil life and in foreign war, and of as much courage and firmness as any man who is in the service of Her Majesty. The state of Waterford has been described to me by other persons, and I have seen many letters from persons who either were in the neighbourhood at the time, or who went there immediately afterwards, some of those persons being connected with the place by the ties of property and family, and well acquainted with its inhabitants and their political feelings, and what is most likely to be the disposition of the different classes of the people. The evidence of all these persons is to one and the same effect, namely, that although the persons of property and the clergy, both Protestant and Roman Catholic, are decidedly against any outbreak, yet that no influence that is used by them will have any effect whatever in deterring many thousand persons of the younger men of every class, but more especially of the farmer and peasant class, who are determined to rise in insurrection. That, Sir, is the evidence which I have received, supported, as I think it is, by all the public accounts, and entirely believed by the Lord Lieutenant, who has himself seen and conversed with some of those persons who were at Waterford. In the town of Carrick-on-Suir, also, there occurred that which, although it did not end in blood, is a most menacing warning for the future. Three persons were arrested in that town for what happened to be a bailable offence—not under the Felony Act, but arrested for seditious language and drilling, and for that offence placed in the bridewell of that town. An immense collection of persons immediately assembled from all the country round. Various reports were spread; some that a priest had been shot, some that those men had been confined, as was the case; and others that the insurrection had begun. But what has been seen and witnessed was, that the peasantry of the town and neighbourhood — a few armed with muskets, and many with rude pikes and scythes—marched into the town with a most menacing aspect, and declared that the prisoners must be liberated. It was thought advisable, such being the state of things, and as the offence was bailable, it could properly be done, that the prisoners should be let out on bail; and when they appeared before the people, the town, which had been in the hands of this multitude for a considerable time, resumed its usual appearance, and again became peaceable. But it was evident that if there had been cause to retain these persons in custody—that if the offence with which they were charged had been such that they could not have been bailed—or if, for any other reason, the desires of that armed multitude could not be complied with—that blood would have been shed, and the beginning of the insurrection would have taken place. It is clear that there was not wanting the design—that there was not wanting the will—that there was not wanting the intention—to rebel; all that was wanting was the particular occasion; and that those who meant to rise, being satisfied with what was done, and their object being completed, no rising took place. But no man can doubt that if matters had been otherwise, a commencement of the insurrection would then and there have taken place. Sir, the accounts from these various places are, that now, and for some time past, the Confederate clubs have been making great progress in forming associations, which are, in fact, secret societies, into which no person is admitted who is not a member of these clubs; that the general object which is held out to them is, that they are to overturn the Government; that they are to procure arms for that purpose; and that they must wait patiently for the day and the hour to be fixed by their leaders in order to carry into effect that fatal and dreadful resolution. In the beginning of a private letter which I have received from the Lord Lieutenant to-day, he says—

> "I have nothing satisfactory to send you to-day. The accounts from the country are as bad as they can be, short of open rebellion; and everybody concurs in saying that the change in the feelings of the people within the last week or ten days has been the most rapid and complete thing ever known even in Ireland. The bad spirit has now extended itself to Tipperary; and the stipendiary magistrate at Clonmel tells me there is great alarm for that town."

It is certainly to be stated—and that leads me to the further part of that which I have to state to the House—it is certain that that which two months ago was not formidable, has become so now, and has become formidable for the purposes of insurrection. It may be, and I believe it will be, as the writer of the letter from Waterford affirms, that, in the event of an outbreak, these persons will be put down in the end, but that much bloodshed will take place—that many lives will be sacrificed. And we should have to reproach ourselves if we did not take such measures as are necessary in order to prevent that outbreak from taking place, and prevent the leaders of that organised insurrection from taking the field for the purpose of opposing the authorities of the country. Sir, I come now to the measure which I think it my duty to propose, in order to meet this emergency. The Lord Lieutenant of Ireland, in concert with the Lord Chancellor of Ireland, has pointed out the dangerous character of these clubs. We may think it necessary to introduce a measure to meet the organisation of these clubs; but it is to be remembered that that organisation is directed, as indeed the whole proceedings of these people have been, by men well acquainted with the law, and who, if there is a new law passed against these clubs, would be found as supple in their endeavours to evade the provisions of that law as they have shown themselves to be in evading the provisions of the existing law. I have received to-day a further opinion of the Lord Chancellor of Ireland, with respect to the mode in which the law has been hitherto evaded. With respect to the clubs, there is no doubt that they are unlawful. It is quite evident that clubs for procuring arms and raising resistance against the Crown and the law are utterly illegal; but when the law officers of the Crown came to advise the Lord Lieutenant as to the measures necessary for putting down these clubs, it was found, that although their general object is perfectly well known—known to every Member of this House, and known to all who read the newspapers of this kingdom—yet that the means of procuring evidence as to what passes in these clubs, secret as they are, are not such as to enable the Government, with any facility, to put down these clubs. I say "with any facility," because, if any measure were adopted, it would soon be found that by some fresh evasion and under some new form the law would be evaded, and that the clubs would be continued in as great force and with as powerful an organisation as before. I will state likewise the difficulties with regard to the marchings of these clubs. The House have read accounts of what has happened at Waterford and elsewhere in Ireland; and they will imagine that the law against training, which is a very stringent law, would be applicable to the training and marching of these clubs to particular places; but with respect to these cases there is a great difficulty. These clubs avoid giving a military word of command; and that which is forbidden by the letter of the law is evaded, in order to obtain the object which these conspirators have in view, without placing themselves in the power of the law. But I think, after what I have stated, and after indicating that information which the House has otherwise acquired, that there can be no doubt of the existence of an association in Ireland which intends to subvert the authority of the law and of the Crown of this country, and that it means to attain its object by force of arms. If such is the case, Sir, then I know no remedy so straightforward, so direct in its object, and so immediate in its purpose, as seizing the persons of those who are at the head of this movement, without in any manner endangering the persons or putting to inconvenience the innocent, by what is commonly known as the Suspension of the Habeas Corpus Act. Whatever measures we may frame, and whatever measures may be necessary to meet particular evils in the special shape which they may assume from time to time, the remedy which, above all things, is necessary at this time is a Bill to enable the Lord Lieutenant to secure the persons of those who are suspected of high treason. I come forward, then, to ask this House of Parliament to grant to the Executive this power. I ask it now. I feel that I might have been justified in asking it at an earlier period. But, Sir, in weighing that question which I have anxiously weighed during months past, it has seemed to me that any extraordinary law to suspend the liberty of a part of the united kingdom, which should be passed by only a small majority, and without a very general if not an almost unanimous concurrence of this House—passed amid conflicting debates, when many doubted its necessity, and opposed its expediency—that such a law, reaching Ireland only as the expresssion of that majority, and considering that in the minority there might be men of undoubted integrity and love of social order, but who were not persuaded that the necessity for such a measure existed—I say that a law so passed would in my mind lose a great part of its efficacy, and would not tend, as we wish it should tend, to the complete pacification of that country. I have therefore, waited until, in my mind, and in the minds of my Colleagues, the evidence of the necessity of this measure is so clear, so notorious, and so glaring, that I am convinced that the conviction, the almost universal conviction, of the two Houses of Parliament will be, that what I ask is absolutely necessary, and what they will grant. But, Sir, likewise I wish to say, that if it is the conviction of this House that such a measure as I propose should be passed, I trust that the House will lose no time in arming the Lord Lieutenant of Ireland with the powers which I now ask for him, and which he declares it is necessary that he should possess if he is to be enabled to stop these proceedings. When I ask this, I ask that which is not merely the interest of those who would uphold the constitution and would defend the Throne and maintain the integrity of the empire, but I ask it on behalf of those persons who would be sure to be the sufferers of an unsuccessful outbreak in Ireland. I have no doubt that if we have protracted debates on this subject—the measure passing notwithstanding, as it is sure to pass—that with the means that the Government of an empire like this have at their disposal we could put down the attempts which these wicked men are commencing of incipient insurrection. But, Sir, we should put them down with the loss of life, at the hazard of peace, at the hazard of the means of livelihood of many of Her Majesty's subjects in Ireland. We should put them down after an outbreak and convulsion, and we should not be able to prevent that outbreak from taking place. I say, then, that it is for the interest of all that such a measure should be immediately passed. If there are Gentleman, and there may be many in this House, who, while they think that this measure is necessary, are yet of opinion that other measures are also necessary, and that the whole duty of the Government has not been performed—that we have not in this Session produced and carried into effect those measures, whatever they may be, which are useful and, as they state, necessary for the well-being of Ireland—to such hon. Members I will put forward only this prayer. An hon. Gentleman has given notice of his intention to bring forward the whole question of the state of Ireland upon Motion. I shall be most ready, after this Bill has passed this House, to give every facility for bringing on such a debate, to meet any such charges as the hon. Gentleman may have to bring against us, and to submit, if the House should think fit by its vote to censure us for the conduct we have pursued. But I beg this House and those hon. Members who are of that opinion to reserve until that time the expression of their views, and not to let a debate which should be confined to this one subject, whether the measure we propose is necessary or no, to extend into various matters and opinions, which cannot but lead to conflicting and protracted debates, and thereby to delay that which it is essential should be passed at once. Sir, I ask, therefore, that the House will permit me to introduce this Bill; and I ask them likewise, that if they do sanction it, they will have that sanction speedily carried into effect. No man can say what may be the consequence of the want of these powers for a short time in Ireland; and I ask those who are of opinion that the measure should be passed, and that these powers are necessary, not to render themselves responsible for the delay of that which may be the saving of life in Ireland. I believe in my conscience that this measure is calculated to prevent insurrection, to preserve internal peace, to preserve the unity of this empire, and to secure the Throne of these realms and the free institutions of this country. If there be other questions, let them be stated at some future time on some future Motion. For my part, I stand here responsible for proposing this measure, responsible for not proposing it earlier, responsible for not delaying it now. I and my Colleagues are responsible. We accept that responsibility; and, however painful to our feelings, however odious the power for which we ask, we now having acccepted our responsibility I confidently ask this House to accept theirs, and to be mindful of the blessings they will preserve, and of the risks which by any other course they will incur.

MR. O'CONNOR could very well understand the painful feelings with which the noble Lord said he had risen to ask for a suspension of the constitution, as far as regarded Ireland; but he thought the noble Lord must be gratified, notwithstanding his feelings, at the almost unanimous expression of approbation with which his measure had been received. The noble Lord had resorted to the invariable Whig practice — coercion first, and conciliation afterwards; but he warned the noble Lord that this measure, like all his previous ones of coercion, would fail, and only hasten the rupture that was approaching. The noble Lord had first goaded the people of Ireland into resistance by refusing remedial measures, and now he proposed to take away their liberties. He was governing Ireland only by patronage. He would tell them more, that this measure would fail, as the others had done. Let them look to America, within fourteen days' sail of Ireland, where all the passions of hatred and revenge against this country were pent up—let them look at France, which was now a republic—let them look to Prussia, which was seeking to be a republic—let them look to Italy, which was throwing off the despotism of Austria; and then he would ask them whether they could hope to maintain their position of a restrictive monarchy in this country? The noble Lord had taunted the Irish repealers with having thrown off the minor measure of repeal of the Union, and with looking for a total separation of the two countries. Now, he had never disguised his sentiments. He was not for a repeal of the Union; he was for total separation between England and Ireland; and if the French instead of the English had gained the battle of Waterloo, and the broad lands of the Russells had been given to Catholic priests, he was sure the noble Lord would, with his dying breath, have enjoined his children to struggle for their independence. [*Here Lord John Russell lifted up the copy of the oath of allegiance which was on the table, and pushed it across to the hon. Member.*] What did the noble Lord want? He presumed the noble Lord wished to direct his attention to the oath of allegiance; but he thought, if the noble Lord would examine that oath, he would see that he best discharged the duty imposed by that oath by preserving to Her Majesty that portion of Her dominions which could be preserved without the horrors of a revolution. Yes, he would say—

"Give me the bold, the erect, and manly foe,
Whom I may meet, perchance return the blow."

There was not a Saxon present who would not feel the same aspirations if his country was under a foreign yoke. The whole question in Ireland was a question between

Catholic and Protestant; and, until justice was done between these two creeds, until the Protestants ceased to be the masters, and the Catholics serfs, there never would be peace in the country. The noble Lord had attempted to govern the country by feeding the landlords as long as he could. When he could feed them no longer he brought in the Encumbered Estates Bill, that they might have the power of selling their own estates. He asked the Irish Members to give up their slavish position of looking for patronage to the Government, to cross to the other side of the House, and as the Government was determined to coerce their country, to give them every opposition in their power. If the Irish Members would be as faithful to their country as the Protestants had been to their creed, they would give the noble Lord some trouble. He had no doubt that the right hon. Baronet the Member for Tamworth would give this measure his support, with more courtesy to the noble Lord than the noble Lord had shown to the right hon. Baronet when he opposed that very trifling measure of an Arms Bill. The right hon. Baronet differed from him in politics, and perhaps the right hon. Baronet would take that as a compliment. But he would say of the right hon. Baronet, that his firm conviction was, if he had been at the helm last year and this, there would have been no need to ask for Coercion Bills. They said it was dangerous to compliment the right hon. Baronet; but he must say that he was the only man to whom the moneyed classes and the people of this country looked as the man that could save the country. He thought the present Government party was the smallest section of the House. The Irish Members alone, if they were united, would beat the Government; the protectionists would beat them, if it were not for the juvenile staff of the right hon. Baronet. The noble Lord might rely upon the ability and courage of Lord Clarendon; but if he had assisted that nobleman in carrying out measures of agricultural improvement, much more would have been done for Ireland. The draining of swamps and the reclamation of waste lands were, however, pursuits of too vulgar a nature for a Whig Government, which would rather place its reliance upon free-trade negotiations with foreigners for the prosperity of the kingdom. He told the noble Lord not to lay the "flattering unction to his soul" that the co-operation of the two Houses of Parliament in Bills of coercion for Ireland could keep a starving people in a state of tranquillity, but that the effect would be to plunge the country in all the horrors of a civil war.

Sir R. PEEL: Sir, by one of the compliments paid to me by the hon. Gentleman I am gratified. I am gratified by his anticipation that I should give to the measure proposed by the Government a decisive and cordial support—a support not qualified by the reminiscences of past contentions—a support not qualified by party recriminations. Sir, I look to the state of Ireland — to the formidable combination which exists in that country—and to the avowals of the persons who head that combination—I give those persons credit for veracity: and, giving them credit for veracity, I cannot doubt that there exists in Ireland at this moment a wicked conspiracy to deprive the Queen of the government of that country. Such being my impression, justified by the avowal of the confederates, I take my part with the Crown of this united kingdom against the conspirators who are arrayed against it. Sir, I won't qualify the value of my support by a long speech. I don't blame the Government for their delay in introducing this measure. I cannot but feel that Governments ought to be very forbearing before they seek to impose the greatest restrictions that can be imposed on the constitutional liberties of a large portion of Her Majesty's subjects. I dare say, that a case might be made out for placing at an earlier period the liberty of individuals at the discretion of the Crown; but I agree with the noble Lord, that when proposals of this nature are made, there ought to be a strong decisive impression on the mind of this House, and on the public mind also, that there is no justification of further delay—that the necessity has arisen which compels the measure of restraint, and which will ensure for it a general support. Sir, I believe the immediate question at issue in Ireland is not whether the Union shall be repealed, but whether or not you shall have during the recess a desolating warfare. My conviction is, should that warfare take place, that the authority of the Crown will be ultimately successful, but after great devastation of property—after great loss of life—the loss of life by many innocent persons—the loss of life by many who may have joined in rebellion from doubt as to your ultimate intentions. If I should be mistaken—if the Crown should fail in re-establishing its authority, you will then find substituted for the Government under which you live, the most cruel, debasing, and sanguinary despotism that can exist in a civilised country. There is no concealment of the instruments by which this new power is to be established. Have I not seen a reference by the conspirators to the value of the crops that are now standing in Ireland? Have I not seen a distinct encouragement given to the masses, to the physical strength of the country, to combine with men superior in intelligence, not that they may furtively undermine the Royal authority—not that they may take means for ultimately repealing the Union—but that they may at once resort to pillage for the purpose of dividing among themselves the spoils of their success? That is the mode in which the power of these men who are conducting this combination is to be exerted. I will not, at such a moment, enter into any other questions connected with general government. I believe the danger is imminent. I believe that if there has been too much delay, that constitutes a reason for immediate action. I believe that the Government is justified in asking for this measure. I believe the measure itself—the power to apprehend on suspicion, and keep the conspirators in confinement, is necessary. I, for one, am perfectly prepared to forego dilatory forms, and give at once my assent to this Bill. The conspiracy is not an agrarian one; it is not a conspiracy of rural assassins; it is the conspiracy of political traitors. The case is one in which the apprehension and detention, without trial, of the leaders is justified. It is possible other measures may be necessary. I hope, after the announcement of the noble Lord, there will be no delay on the part of the Government in asking for those other measures. If they be directed against the traitorous clubs — if they be directed against those shooting galleries of which we read as being established in the metropolis of Ireland, which select the heart of the Lord Lieutenant as the mark against which their shots are to be fired—if this be so—if Government require additional powers to maintain the authority of the Crown, I do hope there will be no no delay in demanding them. It would be unbecoming on the part of Members of this House to suggest Her Majesty's Ministers additional powers. The responsibility rests with them. I will not urge on them measures of greater coercion than those their own sense of duty demands; but this I say, as nothing but necessity can justify a suspension of the Habeas Corpus Act, the same necessity makes immediate action desirable; and I will consent to the suspension of all ordinary forms which would defer to another day the passing of this Bill.

With respect to the speech of the hon. Gentleman (Mr. O'Connor), I tell him I will defend the monarchy of England against this mock King of Munster. The King of Munster! This Gentleman who says to the assembled mob, "Don't shout for the King of Munster yet!" "Not yet!" No! I, for one, am not prepared to exchange the mild supremacy of Queen Victoria for this King of Munster. As for the hon. Gentleman, I gave him some credit for being "the bold, the erect, the manly foe." In his speech he drew a contrast between himself and other agitators in Ireland. He said, "he, for one, was the advocate, not of the repeal of the Union, but of separation." The noble Lord (Lord J. Russell) showed the hon. Gentleman the oath by which he had sworn to bear true allegiance to Her Majesty; upon which the hon. Gentleman said, "And am I not fulfilling that oath of allegiance when I am trying to insure for Her Majesty the devotion of Her Majesty's faithful subjects in Ireland?" Why, that is what the late Mr. O'Connell always said. He wished to repeal the legislative Union, but to maintain the golden link of the Crown. He said, "I am for a separate Legislature, but for the supremacy of the Crown in Ireland." The position of the hon. Gentleman, however, is different from that occupied by Mr. O'Connell. He asserts his "boldness" and "manliness" in declaring for the separation of Ireland from England. If indeed he means that after "separation" Ireland shall still remain united with England— [Mr. O'Connor: No!] Then why was he scared by that oath? Who could doubt that the hon. Gentleman's declaration was in favour of "absolute separation?" On being reminded of his oath, he shifted his ground, and exclaimed, "I am endeavouring to preserve the integrity of Her Majesty's dominions." [Mr. O'Connor: Her English dominions.] "Her English dominions!" The oath of allegiance was taken without that reservation. The allegiance promised was allegiance on the part of Ireland as fully and completely as on the part of England; and does the hon. Gentleman mean that he took that oath with a secret reservation that he would be a faithful and loyal subject in this part of the united kingdom, but that he reserved a perfect latitude for treason in Ireland. The hon. Gentleman asks whether we think it possible to maintain our ancient monarchy after what has occurred in France, in Italy, in Germany, and other European States? Sir, I say not a word with respect to the internal administration of the affairs of other countries. I have done what I could since the commencement of these disorders humbly to discourage any reflections in this House on the events that have taken place in Paris or elsewhere; but when the hon. Gentleman holds up the example of other countries as a reason why we should abandon the advantage of our form of Government, or distrust its security, I have no difficulty in utterly rejecting such doctrines. I have a right to say that, looking at what has taken place on the chief arena of revolutionary Europe—taking France, taking Paris as the example—looking at the Government that existed before February—the securities for public liberty—the state of the revenue—the condition of the labouring classes—contrasting this state of things with that which has existed since February last, I find in that contrast a lesson and a warning for the people of this country. So far does that which has passed in Europe induce me to distrust the advantage of limited monarchy, or to believe that its foundations are less secure in this happier country—to believe that there is less of affectionate devotion towards the person of the Sovereign, or less of rational conviction in favour of Royal authority—I appeal to the experience of the last six months—to those very examples of revolution and of social convulsion, and drawing from them the directly contrary conclusion. I retain an increased conviction that the monarchy of this country is secure, and that it is endeared by new considerations to the affectionate support and devotion of the people.

Mr. OSBORNE: I assure the House that it is not my intention to follow the example of the hon. Member for Nottingham. I shall not—though no one can suppose me likely to show a preference for Her Majesty's present Ministers—I shall not, I say, join in any attack upon the present Government, which in my heart I believe to be an honest Government; and when the hon. and learned Gentleman talks of Irish Members becoming the hacks of the Treasury, I trust that the hon. Members around me will take my advice, and not become the hacks of the hon. and learned Member for Nottingham. I own I never experienced more regret than when I heard the noble Lord last night throw out that it was his intention to introduce a measure for the repeal of the Habeas Corpus Act in Ireland. Every Member must shrink from such a measure almost with horror; and I assure the House that the first impression the announcement made upon me was such, that I intended to be pusillanimous enough to absent myself from the division. But, upon further reflection, I considered that I should not be acting a part worthy of a Member of this House if I did not take my full share of the responsibility; if I did not boldly come down to the House and state my reasons for supporting Her Majesty's Government upon this occasion, and my views as to the present position of affairs. If the question was only for the repeal of the Union, and the proceedings in Ireland were in accordance with the constitution, I should not be prepared to support such an arbitrary measure as this; but believing that the repeal of the Union is only a pretext for murder and pillage, I do not think I am justified in withholding my vote in favour of the Bill. The noble Lord has referred to speeches which have been delivered in Ireland, and to a speech delivered at a meeting close to the property of a connexion of my own, by a man without weight in the county, exciting the people by hints: though possessed of no moral or personal weight, he contrived to lead a crowd to a mountain top, and, showing them the broad lands before them, said, almost in the language of Scripture, "All these will I give you, if you will fall down and worship me." I have boldly spoken out my sentiments upon all occasions as to the manner in which I think Ireland has been treated; but I never will be one to try to tear asunder the ties which connect Ireland with England. I think I am acting as the best friend to Ireland in coming forward and giving my support to this measure; it is a measure of mercy to these men to lock them up and keep them from mischief which will deluge their country with blood. For these reasons I will not give my support to any proposition in this House which will obstruct the bringing in of this Bill; but I cannot give my vote for its being continued until March, 1849. In the event of the measure being passed, I think it will be more proper for the House not to be prorogued, but to continue to sit from month to month, so that, hand in hand with this measure, we may pass some large remedial measures for Ireland. I have been taunted out of the House upon this subject; and I pledge myself, if no other Member does so, to bring forward such measure. I propose to submit to the House my long considered convictions, that there should be some modification of the Act of Union. But I would sooner lose my life in placing myself on the side of order, than co-operate with those demagogues who only point to pillage in order that they may enrich themselves. If a precedent is required for supporting this Bill, there is the precedent furnished by Mr. Fox and Mr. Sheridan, when the Habeas Corpus Act was last suspended in the case of this unfortunate country (Ireland), in 1803, on the murder of Lord Kilwarden; and what was the conduct of Mr. Fox and Mr. Sheridan on that occasion? They supported the Bill. Here are the words of Mr. Sheridan, and no one can suppose that Mr. Sheridan could be a friend to illiberal opinions:—

> "Let us save the ship, not ask who is the master—let us consider not who is the Minister, but where is the enemy we have to cope with."

I will not taunt the noble Lord on this occasion, or his Colleagues, with their shortcomings. I shall have future opportunities for that. The state of Ireland is most alarming. I have received a letter this morning which states that the houses in Tipperary and Clonmel are being stripped of their lead to make bullets. I think that a very important circumstance; and I, at least, will not sanction such significant hints. I am prepared to take the consequences of this expression of my opinion, and I will not oppose the introduction of this Bill.

Mr. SADLIER said, although many hon. Members might think it presumptuous in him to interfere in the present discussion at that early stage of the proceeding, yet, considering the deep anxiety which he must be supposed to feel with regard to the welfare of Ireland—his close connexion with that country—the great interest which he had in the preservation of peace, prosperity, public order, and tranquillity in that part of Her Majesty's dominions, he hoped that the House would not imagine the few observations which he had to make unnecessary or uncalled for. He might truly say, in the words of the noble Lord, that events had proceeded more rapidly than the legislation of that House. It was obvious that the period had now arrived when there was reason to apprehend that great calamities would befall the nation unless they were in time averted by precautionary and remedial measures. The simple question which the House must now decide was this—were they prepared to suspend the constitution for a brief period, or to expose the people of Ireland to misery and carnage? The more incapable—the more unfit—the present advisers of the Crown were to wield the powers of the Executive, the greater was the necessity to give to the people of this realm the only security that could at present be offered to them—the safeguard and protection of a military despotism. As to the intentions of the leaders of the present movement in Ireland, he apprehended that respecting these there could be no possible mistake. The noble Lord had made a statement of the designs and purposes of those avowed apostles of sedition, which displayed a state of things that admitted of no compromise. It was to be a struggle between the enemies and the supporters of law and order, and it remained to be seen which of the two principles were to triumph; for the population of Ireland was now clearly divided into those who supported and those who had arrayed themselves against the constitution of the empire. No man cherished more dearly than he did the perfect system of constitutional government in Ireland, but there were considerations much more dear than any legal or constitutional doctrine; he valued more highly than even the most precious of those principles the life of any one of those who were called the apostles of sedition. To preserve human life, constitutional rights ought without hesitation to be suspended. Even in mercy to the open and avowed traitors, he should vote in favour of suspending constitutional rights. But was it possible to say this without at the same time inquiring in what consisted the power and influence of those who now stood forward as leaders of the insurrection? There were 3,000,000 of the Irish people suffering the extremest misery. It was well known that their discontent and disaffection were based and did rest upon mere physical want. It, therefore, appeared to him most important that no time should be lost in making efforts to change that state of things in which 3,000,000 of persons were left to depend upon most precarious means of subsistence, exposed to all the evils of want of food and want of employment. It, of course, could not have escaped the attention of the House—nay, he doubted not it was full in the recollection of every one who heard him, that the present and many of the preceding Governments of this country were most lavish in their professed intentions of devising and carrying forward measures of amelioration for Ireland. Now, in the absence of any effort to realise those professions—in the absence of anything calculated to continue the confidence of the people of that country—Ireland had reached the brink of a civil war; and there were now, confessedly, no means left to prevent the destruction and confiscation of property except that temporary suspension of the constitution which the noble Lord had proposed. That there was an overwhelming necessity for such a step he was as ready to acknowledge as any Member of that House—and he believed there existed no other means to prevent the progress of sedition. They might come forward with another Coercion Bill, and seek to put that into operation; but, under present circumstances, he apprehended nothing less would be successful than the measure that had just been proposed by the noble Lord. In times like the present, it would be in vain for them to aim at restoring peace by such palliatives as they had hitherto applied—the matter of discontent and disaffection must be removed. In the words of Bacon, "you must expel the matter of sedition;" and doubtless much of the causes of sedition was to be found in the political condition of the people. Take, for example, the state of Tipperary; the area of that county was 1,000,000 of acres, the population 500,000, the annual income 2,000,000*l.*, while the registered electors were only 431 individuals. When he made that statement, the noble Lord met it with a sneer and with well-affected surprise; and in discussing the Motion of the hon. Member for Limerick respecting the repeal of the Union, the noble Lord contended that the franchise was not an object of importance to the Irish peasant. That appeared to him not wise or expedient; the general inattention to the political rights of Irishmen appeared to him most ill-advised; he therefore differed from the noble Lord when, in 1844, he declared that, in considering the state of Ireland, political rights seemed deserving of less attention than were generally supposed. The noble Lord at that time contended that the political franchise would not give bread to the hungry, or employment for the idle. But he could not find in the constitution of Ireland any such doctrine as that the people were not to enjoy the elective franchise. Mr. Pitt most truly said, that the source of prosperity for the people was to be found in free institutions; and there were many—indeed, almost all the more eminent statesmen had recorded their opinions that it would be impossible to withhold prosperity from those to whom the franchise was given. He found the noble Lord again in 1846 declaring that he did not expect the law which entitled the poor to outdoor relief would very much mitigate the misery of Ireland; and that, instead of affording a remedy, it might very possibly tend to perpetuate that misery. Those were the opinions of the noble Lord; while, on the other hand, they had the right hon. Baronet the Member for Tamworth telling them that the grievances which had at all times been more or less conspicuous in the condition of Ireland were social grievances. But what he should say was, that both classes of grievances ought to be removed; waste lands ought to be cultivated, and means taken to secure permanent employment for the poor. He found every one who spoke on the subject of the Encumbered Estates Bill—at least those who addressed the House in its favour—contending for the necessity of speedily establishing in Ireland a respectable body of yeomanry, residing on their own estates. There were even those who asserted that, with good management, the soil of Ireland might be made to maintain 16,000,000 of human beings. He, however, was not a convert to the strong opinions entertained with respect to the utility of very small holdings; and he doubted whether the possession of them in fee-simple would work such a change as to take from that system all the evils for which it was now pre-eminently remarkable. At present the great majority of holdings were under five acres, and nothing could be worse than the condition of the Irish people. He was bound, in conclusion, frankly to declare his conviction that the treason by which the body politic had been tainted to the bone—that such widespread and such deadly disaffection as existed in Ireland could be imputed to nothing except the faults of the Government.

MR. SHARMAN CRAWFORD found it very difficult to convey to the House any idea how very painful it was to him to proceed to a division upon the present question. The condition of Ireland was one of the greatest possible danger, and no one more earnestly desired than he did to uphold Her Majesty's loyal subjects in that part of the united kingdom with all the force that law and government could put forth for their protection. But, looking at the measures of the Government, he found it impossible to be favourable to their plans. On the contrary, he believed their whole administration to be utterly inefficient for any useful purpose; and more especially did he consider that the present measure would be wholly unsuccessful. He wanted to see peace established in Ireland, and he feared that the proposed Bill would bring with it no peace. He admitted that times arose when the common principles of the constitution must be suspended; but what he wanted was, that such measures of suspension should not go alone—that they should be accompanied with practical plans of social improvement. He begged the House for a moment to consider what were the causes of the present agitation and discontent. They evidently were to be found in the condition of the people. Was their social state a healthy condition? Were they not depressed to the lowest point which human beings could reach? In some parts of the country the population were actually starving. Such was the state of Ireland at present, and such it had been for a length of time past. And this was going on without any attempt to provide remedial measures. The strongest promises of remedial measures were uniformly made by every Ministry, and as uniformly neglected. They were growing worse and worse every day. In the year 1800, the Habeas Corpus Act had been suspended in Ireland; it had again been suspended from 1802 till 1805; from 1807 till 1810; again in 1814; and once more, from 1822 till 1824. The Habeas Corpus Act, then, had frequently been suspended, and they even had martial law from 1803 till 1805. Arms Acts were frequently enforced; and now, in 1848, after forty-seven years of union, Ireland must be held by the sword, or by that which few Governments liked to propose—good remedial measures. If remedial measures were not adopted, the consequence would be social disorganisation in Ireland, and a resistance directed against property and order, which the Government had not a sufficient body of troops to put down; for there was a great difference between meeting a rabble in a field, and taking that military occupation of the whole country which, under the circumstances he alluded to, would become necessary. In 1798 there was a force of 100,000 men in Ireland; and he would ask was Government prepared to furnish as great a force now? There could be no more dangerous policy than to adopt apparent measures of coercion unless the Government possessed the power of carrying them out. He dreaded the disorganisation of the country, and the resistance to rents and taxes which would arise, unless remedial measures were adopted, and which no coercive measures could adequately reach. The violent opinions held by individuals in Ireland had been referred to; but why were such opinions held and expressed? Because there had been that oppression of the country—that want of attention to its interests and wishes, which impelled those persons to have a desire for separation. He wanted to know why the Act already passed, commonly called the Felons' Act, could not be sufficient for the purpose, and why it had not been fully carried out? The Government had not used the powers within their hands; and why, then, should that House be called on to pass a new Coercion Act? He recollected the proceedings of 1798, when it was alleged at the time that Government had neglected all proper precautions with the view of letting things come to a crisis. He hoped that such was now not the case, though there might appear some grounds for the suspicion, when it was seen that the laws of the land already in existence were not put into execution. He believed that one of the most dangerous kinds of coercion was the arresting of persons on mere suspicion; and he recollected the bad effects of the exercise of such a power in former times. Under these circumstances, he felt it to be his indispensable duty not to let the House come to a vote on this question without recording his opinion of the inutility of the proposed measure of coercion, and of the necessity of the House applying itself to the adoption of remedial measures. He felt himself the more bound to do this because he had hitherto been prevented by various circumstances from bringing before the House the whole question of Ireland, and the remedial measures he would recommend. The hon. Member concluded by moving an Amendment to the following effect:—

> "That the present distracted state of Ireland arises from misgovernment and from the want of remedial measures, without which no coercive measures could restore either order or content to the country."

MR. FAGAN seconded the Amendment. He maintained that a domestic Legislature was absolutely necessary for the prosperity of Ireland, but he held that separation from England would be destructive of that prosperity. Ireland was as much interested as England in the maintenance of the connexion between the countries, and he therefore repudiated the doctrine of the hon. Member for Nottingham (Mr. O'Connor). He was conscientiously in favour of a repeal of the Union, with a view of having a domestic Legislature in Ireland; but he was entirely opposed to separation. It was because he believed that the suspension of the Habeas Corpus Act would not have the effect of putting a stop to the proceedings against which it was directed, that he felt bound to oppose the proposition of the Government, and to support the Amendment. He had expressed his conviction that the last Coercion Act would not be attended with its desired effect; and the result had shown that what he had then ventured to state had turned out correct. It was true that quietude prevailed in the proclaimed districts; but the immediate cause of that was to be found in the special commissions, which were carried out with so much energy and effect by the Lord Lieutenant of Ireland. It might be true that under the operation of that Coercion Act parties might not be able to exhibit their arms, and to march about armed, openly as before; but the evil-doers still possessed their arms, though concealed, and were ready to bring them forward at a moment's notice. He had also predicted that what was called the "Gagging Act" would be inoperative in Ireland, unless it acted as a stimulus to the proceedings of which every one in that House justly complained; and, with the exception of the conviction of Mitchel, which had lost much of its influence by the transactions attending it, the Gagging Act had had no effect in stopping the march of insurrection in Ireland. In like manner he conceived that the suspension of the Habeas Corpus Act would fail, and only serve to stimulate discontent, bringing it quicker to a head. The proposed measure, instead of being a cure, would be a cause of irritation. Had all the measures of coercion passed since the Union produced any other effect than increasing the irritation of the sore, and causing the cancer to spread more largely? He conceived that the noble Lord had not made out a case for the suspension of the Habeas Corpus Act, even supposing that it would have the effect which the noble Lord anticipated. The noble Lord had made a statement in reference to Cork, and, if he had no stronger authority for his other statements, the noble Lord's case was a complete failure. When the noble Lord had informants in that city as well as in other parts of Ireland, why had the noble Lord quoted from a newspaper, and from one, too, which was never remarkable for stating fairly the case of the people? With respect to the occurrence at Carrick-on-Suir, he believed that at the most tranquil period in Ireland, if a clergyman enjoying the affections of the people were believed to be arrested, a similar scene might have occurred; and it would not have been thought sufficient to justify the suspension of the Habeas Corpus Act. As to the meeting on the mountain in Tipperary, the monster meetings of 1843 were more formidable and more numerous. The House must take fairly into consideration whether, with the complicated concerns of this country pressing on its attention, it could possibly find time to attend to the affairs and to redress the grievances, if it had the disposition to do so, of Ireland.

MR. DISRAELI: Sir, I wish to take this opportunity of stating the single reason for which I shall give to the proposition of Her Majesty's Ministers my earnest and unequivocal support. If I thought that the origin of this impending insurrection was to be found in the social or political grievances of which we have heard so much in the sister country, and if I thought that the measure proposed by Her Majesty's Ministers would prove any obstacle to remedial measures for those social and political evils, I, for one, should view it with jealousy and distrust. Its character is flagrant; it is invested with no hypocritical garment; it is an assault upon the constitutional liberties of the subject; and the only justification of such a proposition must be the necessity of the case, and I think that necessity exists in those circumstances to which the noble Lord at the head of the Government has amply referred. It did not indeed require the exposition of the noble Lord to impress that conviction upon the House and upon the country. The noble Lord is not in the position in which Ministers in similar circumstances have sometimes found themselves. He does not come here with a green bag, filled with anonymous communications, or with statements made to an Administration under circumstances which could not be amply revealed to the senate of the country. The noble Lord, without affectation, and with a frankness and simplicity which did him honour, referred only to those circumstances with which we are all familiar—to those events which are daily and hourly occurring—as his justification for the policy he recommended; and, adopting the responsibility, from which he did not shrink, and from which he could not shrink, with respect to his proposition, the noble Lord has reminded this House of that responsibility from which, as the representatives of the people, they also cannot escape. Now, I say, that if I thought this impending insurrection was occasioned by those social and political evils with which we are all of us too familiar, I should view the proposition of Her Majesty's Ministers with great jealousy and distrust. But I am bound to express frankly my opinion—and that is the reason which will induce me to vote for the measure of Her Majesty's Government, and to give them my unvarying support in this respect—that the impending insurrection does not in any way partake of that character. It is not an agrarian movement; it is not a religious movement; it is not, in my opinion, a movement arising from any sentiment of perverted nationality. It is neither more nor less than an external—a Continental movement. It is neither more nor less than a Jacobin movement; and, looking upon Jacobinism to be a system of universal plunder and of unmitigated violence, I think it is our duty to grapple with the evil in which we recognise such features with a power greater than their violence, and with a determination to maintain every social principle and every social right equal to that audacity which has been too much encouraged by events that have fortunately not occurred in England, and not yet in Ireland. It is for this reason that I think we ought not to hesitate to intrust to the Government the great and extraordinary powers for which they ask. I protest against the social and political evils from which Ireland may suffer being in any way mixed up with the question which is now before us. I protest against its being assumed in argument that those who have originated this movement have any desire to remedy those social and political grievances by any mode which the common sense and feeling of this country could recognise and approve. Nor, Sir, do I believe that this impending insurrection is or was in its origin the insurrection of the people of Ireland; and one reason why I have taken the opportunity of making these few observations is, because I wish to protest against its going forth throughout Europe that the question before us is a question between the Government of England and the people of Ireland. I do not believe that, even numerically, the traitors have the advantage. I cannot for a moment suppose—I have every reason to disbelieve—that the Roman Catholic priesthood can look with any favour upon a Jacobin movement. I believe that the great body of the peasantry of the south of Ireland at first looked with no favour upon this movement; and, although the neglect in permitting it to arrive at the pitch it has achieved, may—as must always happen in a country like Ireland, with an impressionable and suffering people—induce the multitude finally to rally round those whose big talking and bold promises are calculated to create an effect upon the masses, yet I am still of opinion that the great body of the peasantry are not heart and soul in this movement, which is so menacing. It is the movement of a party, organised, desperate, stimulated by foreign example and inspired by foreign successes —a party which, on previous occasions in the history of that country, has adopted the same course and aimed at the same result. I have, no doubt that their plots and machinations will, under any circumstances, meet with the most complete and overwhelming discomfiture; but I am anxious that that discomfiture should not be obtained at the terrible expense which has attended their previous defeats—not merely an expenditure of the treasure of this country—not an expenditure only of the lives of Englishmen, but of that rising good feeling between the two countries which it has now taken half a century to cherish and foster, and the excitement of those passions which a discomfiture attained by such means would revive with all their former acerbity, misconception, prejudice, and bitterness. I conceive that the Minister who, by coming forward at this moment with sufficient measures, confident in the good sense of his countrymen, and supported by a unanimous Parliament, can quell this impending insurrection without bloodshed, and without scenes of spoliation, of ravage, and of disorder, will deserve well of his country, and is entitled to the hearty and full countenance of the House of Commons.

MR. D. CALLAGHAN could not imagine that such a measure as the present was calculated to stop the progress of that feeling which now strongly actuated the great body of the Irish people. He considered that any Irish Members who gave their support to this Bill would be committing an act of political suicide. He would never be a party to suspending the Habeas Corpus Act, or to any other measures of coercion, when he believed that the results those measures were designed to effect might be attained by another course of proceeding. He was a repealer, and was anxious to secure the legislative independence of his country. He believed that the present state of Ireland was the result of misgovernment; and that, by the application of remedial measures at a proper time, the peace and prosperity of that country might have been established. But when such remedial measures had been demanded, the answer had been, "Wait awhile;" and how long had they waited? The press in Ireland did not fairly represent the state of that country; and the noble Lord at the head of the Government had derived his information from the press, instead of resorting to those from whom he would have received a true representation of the facts—the representatives of the Irish people.

SIR D. NORREYS: The hon. Member who has just addressed the House has said, that any one of us who now gets up and supports this Bill, will commit an act of political suicide; and I believe that to be the case. I do not hesitate on that account to rise at once, and declare myself a supporter of this measure. Let the consequences to myself be what they may, I will support it; and I avow that I think the time is come when such a measure is absolutely requisite. This is no time to examine the antecedents of any hon. Member, or of the noble Lord; to consider whether the one has been a good prophet, or whether the other has fulfilled the promises with which he took office. It is to save my country from the precipice on which I see her rushing, that I support this measure. Like the hon. Member, I feel that I have a country; my blood boils like his, but it is against those who would plunge her into the miseries of civil war. I think every day's delay dangerous; such has been the state of excitement, that, at the moment when we are speaking, God knows, some spark may kindle the flame that seems to be about to burst out, and blood may be flowing in our country. I admit that this is a dreadful experiment; my firm conviction is, that it will issue at once either in the explosion of this rebellion, or in putting it down. These men, seeing that their case will otherwise be desperate, will, if they think they have any chance, take steps to precipitate an outbreak, and do what they can. But I put it to hon. Gentlemen who speak so strongly of this measure as unconstitutional—and no one can lament more than myself the necessity of proposing it—whether the course they advocate might not lead to greater evils—to protracted civil war? It is to save my wretched countrymen from the miseries that will otherwise be brought upon them, that I call upon you at once to seize the heads of this conspiracy, and not allow bad men to lead the people on any longer.

MR. H. DRUMMOND: I am certainly somewhat surprised that the hon. Member for Cork should discriminate so accurately as he does between the mass of his countrymen and those who are trying to mislead them, and that he should yet hesitate for a single moment to give to the Government that power which will enable them to seize the guilty while sparing the innocent. I am still more surprised that the hon. Member should have the smallest doubt that this measure will be efficacious as far as it goes. If it be not efficacious, other measures must follow: for it is right for him, and for every man, not only in this House, but in the country, to understand that civil war is no child's play. We are provoked to it; war is proclaimed against us; and there is no alternative but victory or death. It is "war to to the knife;" and these persons must be put down. I am quite willing to enter upon the consideration of Irish grievances on a future and more fitting occasion; but at the present time the point in hand is the remedy proposed for a particular state of affairs in Ireland. It has been rightly said by the eloquent Member for Buckinghamshire, that Jacobinism and the discontent which certain persons feel with respect to their social position are at the root of the evils we have now to deplore. The hon. Member for Nottingham (Mr. O'Connor) has spoken of a profligate press having done much to influence the public mind improperly. It is not for me to stand up in behalf of the press; but I should like to know what meaning the hon. Member for Nottingham attaches to the word "profligate" in this instance. I suppose he means to describe a person who in his connexion with the press does some unworthy act for the sake of his private advantage or gratification. Now, I should like to know whether there is a person connected with any paper in the kingdom but one, who will publish a long column of the names of blasphemous books, and recommend them to all his readers. I will not pollute my lips nor disgust the ears of hon. Members by reading the titles of these works; but I wish to know whether the paper which acts in the manner I have described is the "profligate press" referred to by the hon. Member for Nottingham? I give the hon. Member for Nottingham the choice of two alternatives—either he belives in and approves of the doctrines of the books advertised; or, knowing and believing them to be immoral, irreligious, and blasphemous works, he publishes their titles for the sake of the money he gets for so doing. I charge the hon. Member for Nottingham with having, more perhaps than any one, tended to foment Jacobinical feelings. When I spoke on a former occasion of the doctrine promulgated by M. Proudhon, *Toute propriété est un vol,* I was ignorant that the same doctrine had been broached by the hon. Member for Nottingham in his newspaper. Here it is:—

> "The land is yours, and one day or other you'll have your share of it; and the sooner you arrive at a knowledge of its value, the sooner will you be prepared to assert the great principle, that the land is the people's inheritance, and that kings, princes, peers, nobles, priests, and commoners, who have stolen it from them, hold it upon the title of popular ignorance rather than upon any right, human or divine. The natural right is yours; the human usurpation is theirs."

But that is not all—the hon. Member for Nottingham is not merely discontented with the tenure of property; he declares that the whole state of society must be subverted. This, then, is not, as the noble Lord has argued, a question as to the separation of Ireland—it is not a mere question of repeal; it is a question affecting the foundation of society itself. But the hon. Member for Nottingham shall speak for himself:—

> "We frankly avow that we have no respect for society as at present constituted. Civilisation means ill-requited labour, starvation, gaols, bastiles for the masses. To the millions civilisation is a huge lie, an organised hypocrisy. Perish such civilisation!"

Amongst the things which have stimulated and maddened the clever but too excitable people of Ireland, we may enumerate that curse, an "unruly tongue," which "setteth on fire the course of nature, and is set on fire of hell."

MR. HUME said, to such papers as those which had been described, he would not hesitate for one moment to give the character of profligate, whether in Ireland, Scotland, or England—such papers were most dangerous to society, and ought to be shunned by every one. If there was any principle more dangerous than another, it was that which had gained footing in a neighbouring country, and which for years had by some individuals been fostered in that country—the attempt to interfere with the labour of the poor. To attempt to lay down the principle of making property common to the community, was to violate the laws upon which society was based. He trusted that no such doctrine would ever be supported in that House. He had, for a very long period, paid close attention to the situation of Ireland, and he found himself in a most unpleasant situation now, because, while he knew of great evils which existed with respect to that country, which he believed might be removed by wise and honest legislation, yet he was compelled unwillingly to give his support to Her Majesty's Government on the present occasion, in order to maintain peace and tranquillity. He protested against the supposition that such a Bill as this would remove any of the evils to which he alluded. He agreed with his hon. Friend the Member for Cork (Mr. Fagan), that they never would remove the social evils which existed in Ireland until they removed the causes of discontent, which were broad, deep, and long-continued. Within his own recollection, one class of the community had been held up against another—Protestant against Catholic, and Catholic against Protestant. Excitement was kept up by the belief that England was an oppressor, and that from England no good could be obtained. That doctrine was supported and held until the year 1829, when he had hoped that the era had arrived which would be marked by a change in the situation of Ireland, and the oppression which had theretofore existed would be gradually effaced. But had anything of that kind taken place? Discontent at this moment was as extensive in Ireland as it had ever been, and that discontent arose from civil rights being withheld. The Irishman was not placed on the same footing as the Scotchman or the Englishman: he was not treated as a free man, and therefore it could not be expected that he would act as a free man. Let civil and religious liberty spread over Ireland as it did over England and Scotland, and then they might expect to see an approximation to tranquillity in that country. Could they expect improvement in Ireland until there was employment? Could they expect employment without peace and confidence? Could they expect peace and confidence while they were from time to time passing Bills of the most coercive character, and measures for suspending the constitution? Any incipient disposition that might be exhibited for carrying capital to Ireland, this very Bill would tend to drive away. Who would send capital to employ the people of Ireland, when the Government told them that every peasant and every man was against this country? Those men were led by demagogues, or whatever they might please to call them—men of great talent and having great command over the people—that great command having been obtained in consequence of the people being discontented, on account of their rights being refused after having been promised from year to year, and from day to day. Session after Session those rights had been promised, and what had been done? Not one step had been taken during the last eight or nine months. They were now at the close of the Session, and their situation was worse than it was in November. He was as confident as that he existed, that this measure would not heal the evils under which Ireland suffered. It might put down the turbulent and those who were exciting their fellow-countrymen. There were many who recollected what was said in that House at the time when the Carnatic was ravaged. They were told that the Government had succeeded in restoring peace and quietness? Yes! but peace and quietness were only desolation. They might by this Bill put down turbulent persons, but as fast as they did so others would rise; and so it would ever be until they removed the causes of discontent. On the Government would be the responsibility of exercising this measure. Let them follow it up with remedial measures. He would now address his hon. Friends, the Irish Members, and call upon them, after the opinions which had been expressed on the Treasury benches, that peace could not be expected while the Irish Church remained, to support the Government. Why not immediately consider the question of the Irish Church? The noble Lord at the head of the Government had admitted that that was one of the evils under which Ireland laboured. Then there was the question of the franchise. The position of Ireland, with respect to the franchise, was worse than that of France under the late monarchy. France had 200,000 representatives—electors he meant—but in Ireland at this moment they had not more than 40,000. There were 40,000 electors to 8,000,000 of inhabitants. Let the noble Lord consider the municipal institutions. Parliament ought not to separate until some steps of this sort had been taken. His hon. Friend (Mr. S. Crawford) was quite right in saying that remedial measures ought immediately to be adopted; and he hoped his hon. Friend would do all he could to carry them. They might be brought forward to-morrow. ["To-morow is Sunday."] Well, the better day the better deed. They could not better employ their Sabbath than by giving peace to Ireland. He was sorry his hon. Friend had proposed his Amendment, because there were many who agreed with him upon it, but who nevertheless would feel bound on this occasion to support the Government. He would, therefore, advise his hon. Friend to take a more fitting opportunity of proposing it, when he would be happy to support him; for no man in that House had shown a greater necessity for remedial measures in Ireland than the noble Lord at the head of the Government had in his speech of that day.

Mr. NEWDEGATE would give Her Majesty's Government his unqualified support in respect of the measure they had proposed; and he would not have interrupted the progress of it for a moment by any remarks of his own, had he not felt the necessity of saying merely this, that he supported the measure which the Government, on their own responsibility, declared to be necessary for the preservation of peace in Ireland as a great measure of police. The hon. Member for Montrose had just told them that concession had not caused agitation in Ireland to cease; and he did trust that Her Majesty's Government would pass this Bill as an exceptional measure, and without conditions, in order that those who now disturbed the peace of Ireland by continued agitation might be told that to persevere in such a course was only sowing the wind to reap the whirlwind—and that such conduct must ultimately result in their own confusion.

MR. GROGAN, in the name of the loyal, industrious, and peaceable classes of the city of Dublin, returned thanks to the Government for their having at length determined to grapple with the monster agitation—the incubus which had afflicted Ireland, had paralysed trade and employment, and had brought poverty and bankruptcy on all classes. The suspension of the Habeas Corpus Act was a proceeding which nothing but the most extreme case could justify. Such a case now existed. The Confederates were only an offshoot of the establishment at Conciliation Hall. That agitation had now assumed so solemn, so dangerous, and so alarming a character, that the measure which Her Majesty's Government had proposed was the only one which could prevent bloodshed and ruin. The noble Lord had alluded to the fact of a magistrate presiding at one of the meetings. He hoped that noble Lord would on Monday tell them that that gentleman was no longer on the list of magistrates for Ireland. Three magistrates from Kilkenny had come up to Dublin in order to attend one of the meetings, and he hoped that they would be no longer members of the magisterial bench in that city.

MR. REYNOLDS said, that his hon. Colleague (Mr. Grogan) had called upon that House to consent to the introduction of this Bill in the name of that portion of his constituents who were peaceably disposed. He was prepared to vote against its introduction, although he was not prepared to pursue any factious course with regard to it. He was prepared to vote against the Bill in all its future stages, and he hoped they would be long and tedious. His hon. Friend the Member for Mallow (Sir D. Norreys), in expressing his determination to support the Bill, had said most valiantly, "I am prepared to commit political suicide." Now the present Parliament was not quite one year old, and therefore had five years to run; so that the hon. Gentleman could not be politically sacrificed for five years, and would incur no danger until that period had elapsed. But an appeal had been made by the hon. Member for Montrose to the Irish Members not to oppose this Bill. Why, if the hon. Gentleman had not declared his determination in the early part of his speech to support the Bill, he should have been induced to believe that his hon. Friend intended to oppose it. He said the people of Ireland were plunged in the very depths of misery; that the blessings of the British constitution were withheld from them; that all the evils which accompanied poverty and destitution were afflicting them; and that after having passed two Coercion Bills which had failed, the Government were preparing a third. He found it difficult to reconcile that and his hon. Friend's vote with his Irish notions of reason. In December last was introduced into that House the Crime and Outrage Bill, which received the Royal Assent a little before Christmas; and an application was made to that House for another Bill, namely, the Felony Bill in April. So that in less than six months they had passed two Coercion Bills; and now before the expiration of three months from the passing of the last, the Government required another. He hoped he might be permitted to refer to the observations which he made on the introduction of those Bills. He then prophesied that they would be failures, and they had been failures. To use a mercantile phrase, he believed that two worse Bills were never drawn, and he was not surprised that they had been protested for non-acceptance. After the failure of those two Bills, the Government now came forward with another, and he presumed they intended to carry the interest and principal forward for another. He now prophesied that this Bill would fail also; and he wanted to know, and he asked respectfully and earnestly, supposing they filled the gaols with political victims, even to overflowing, as they had filled the workhouses of Ireland with ablebodied paupers, what were they to do afterwards? He asked that question in sober seriousness. If they intrusted this unconstitutional power to Lord Clarendon—the power of arresting all whom he might suspect of disloyalty and disaffection—of course the suspected parties would be kept in gaol until March: and what would they do with them then? Would discontent then be abated? No, it would not. He knew what this Bill would do. It would increase discontent and dissatisfaction—would multiply repealers—would convert men to the principle of repeal who were now holding aloof from it. As a sincere advocate of the repeal of the legislative Union, he must say, both on his own behalf and on behalf of the repealers of Ireland, that they were desirous of effecting the repeal of the Union through constitutional means only. They had sworn the oath of allegiance: he had taken that oath without any equivocation or mental reservation; and he was determined, even at the sacrifice of his life, to maintain that oath religiously. He believed that the great body of the people of Ireland were actuated by a similar spirit, and it was therefore a calumny to insinuate anything like a charge of treasonable doctrines against them. He was not there to stand sponsor for the loyalty of all. God forbid! But he protested on the part of the people of Ireland generally against their being accused of holding treasonable doctrines. What purpose did Her Majesty's Government intend to serve by the suspension of the constitution? What were the Government afraid of? They had got in round numbers 45,000 troops in Ireland. If they included the police they had 55,000. Now, that was a military force sufficient to keep possession of a country double the size and with double the population of Ireland. Not only had they 45,000 troops, and a large body of the constabulary, but they had a great number of persons who were as loyal as any special constables, and who were quite ready to assist in preserving peace and order. Now, he wanted to know what proof they had of disorder and disorganisation in Ireland, except the speeches of those frequent agitators who were going from town to town? Commercial transactions were not interrupted; corn was being imported and exported; banking transactions went on precisely as usual; public credit was totally undisturbed; outrages were not committed. And in the midst of all this tranquillity, they were to have the constitution suspended, and the liberty of every man placed in the hands of the Executive Government. When he spoke of the Executive Government, he begged it to be understood that if this unconstitutional power was to be granted, there was no person to whom he would rather intrust it than Lord Clarendon, who had, it was true, been liberally abused, and in good round terms. If he were asked what the people of Ireland wanted, he would say simply, an equalisation between Great Britain and Ireland. He wanted an assimilation of the Irish corporations to the privileges of the English corporations; he wanted a Grand Jury Bill, to relieve the people from the peculation of their masters; he wanted a Landlord and Tenant Bill, that would give the occupying farmer some protection for his labour on the one hand, and his capital on the other; he wanted a Registration Bill, that would give the people of Ireland some voice in the election of their representatives. At present, they had none. They asked also for an increase in the number of Irish representatives, thinking that whilst Great Britain had 553 Members, Ireland ought to have more than 105. Let him not be understood as compromising the great principle he contended for, that the people of Ireland had a right to domestic legislation, not interfering with the connexion that had existed between the two countries for 600 years, and which they wished might endure to the end of time, bound together by the golden link of the Crown, and the affections of the people of both countries. The right hon. Baronet the Member for Tamworth, in the memorable speech he made on surrendering the seals of office, said that he made up his mind that Ireland could not be governed by coercion. He hoped the right hon. Baronet had not changed his opinion; and if he were of that opinion still, he would address the right hon. Baronet seriously in the name of his fellow-countrymen, and implore of him to turn in his mind whether he was not bound now, even at the eleventh hour, to lend his powerful assistance in carrying out the great principle he had laid down, that Ireland was to be governed by conciliation.

Mr. MUNTZ asked the hon. Member for Rochdale to withdraw his Amendment. It appeared to him that, by carrying that Amendment, the hon. Member would do no kindness to the Irish people, but would, on the contrary, injure the cause he wished to support. He was as anxious as the hon. Member himself that remedial measures should accompany measures of coercion, and wished he could find a sufficient excuse for himself to avoid supporting Her Majesty's Ministers. But he felt that it was impossible to avoid giving them his support on this occasion, much as he regretted their not bringing forward measures for the satisfaction of the Irish people, by the removal of their social evils and political grievances. Every coercive measure must fail in a country full of misery, which they did nothing to relieve. The hon. Member for Dublin said, that the present agitation in Ireland did not interfere with the trade of that country; but he could give the hon. Member an instance to the contrary. That very day, in a visit he had paid to a house in the City, he had been shown by a friend an order countermanding an order previously despatched to Ireland for a large cargo of grain, in consequence of the confusion and disorder prevailing, which led to fears of an immediate outbreak.

Sir H. W. BARRON had no doubt of the absolute necessity of some measures of this description being adopted by the House and the country, if possible with unanimity. He regretted that it had been delayed so long; for his letters from Ireland, from day to day, were of the most alarming description. He could assure the House that persons of all persuasions in that country, and he might almost say of all political opinions, were almost unanimous in condemning the Government for not adopting this measure sooner. They attributed the delay to the mildness of Lord Clarendon, and his aversion to the assumption of the powers which would be put in his hands by the adoption of the measure; but the people in all parts of the south of Ireland were suffering the greatest possible anxiety from day to day, not knowing the moment when their homes might be invaded by men driven to desperation by the exciting language addressed to them, and the hopes of success held out by the leaders of this rebellion, for he could call it nothing else, in that country. The great mass of the people were intimidated to join the disaffected, not seeing any steps taken to protect them. Tories, Whigs, Radicals, nay, Repealers themselves, were most anxious that the Government should come forward and put a stop to this excitement, and the promulgation of the dangerous doctrines put forth every day, alarming every class of the community in that country. Property was not safe, life was not safe, nor was any class in that country free from alarm. All had expressed a wish that the leaders of the Young Ireland party should be arrested in their progress; and he believed that some of those persons themselves, feeling that they had gone too far, and conscious that they had some property and some stake in the country, were most anxious that the measure should be passed, and that they should be put in safety. When they were shut up, as he hoped they might be soon, they would rejoice when they felt the doors of their prison shut upon them. That was his conviction, for they must know the utter hopelessness of any rising in rebellion in that country. They well knew that, though they might succeed for a few days in some localities, it could only lead to their utter annihilation, after thousands of lives, and hundreds of thousands of property, had been sacrificed in the base attempt of persuading the populace to rise in rebellion against the Government. If any thing were wanted to deter the people from these attempts, it would be found in the sad example that France offered of the consequences of deluding the mass by false hopes into rebellion. Every man of property and information in Ireland would be delighted to see this measure passed. No parties could be more convinced of the utter hopelessness of this rebellion than the leaders of it; and he knew more than this: he knew that, in private, some of them had expressed that opinion—he knew this of his own knowledge. What greater wickedness could there be than leading the people to rebellion under such circumstances? To interpose was an act of mercy to the leaders themselves, and above all to the poor people of Ireland; and he implored of that House, as an act of mercy and of kindness, on this occasion to protect the people.

Colonel DUNNE cordially agreed in principle with the hon. Member for Rochdale; but he thought that that consideration ought not to sway him on this occasion. The opinions of the present agitators of Ireland had nothing to do with remedial measures, avowing, as they did, the division of property and the spilling of blood. He could not offer any opposition to the measure that was now called for by the Government.

Mr. SCULLY denied that the allegations which had been made of the state of Tipperary were true in all their details. He denied that disaffection or disloyalty prevailed amongst the mass of the population of that county; for the great guides of the people who had heretofore taken the lead in all movements there, had studiously, and almost unanimously, abstained from taking part in the present one—and those guides were the great body of the Roman Catholic clergy. He stated that from his own knowledge. What had occurred in that county last year? The very man who was now accused of publishing sedition against the Crown, Mr. Doheny, had gone there trying to promote confederate opinions, but he was scouted from the county. But a Coercion Bill had since been passed, and under it Mr. Mitchel had been unfairly and unjustly convicted. However treasonable might have been his conduct, Mr. Mitchel was condemned unfairly. That conviction had had a more prejudicial effect upon the people than any thing that had occurred within the last century; and the consequence was, that Mr. Doheny, when he visited the county of Tipperary a few days ago, had found a ready audience to his seditious harangues. They did not want Coercion Bills, and it would be in vain to pass such a law unless they also passed remedial measures.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 271; Noes 8: Majority 263.

[It will be sufficient to insert the names of those who voted against the Bill.]

List of the NOES.

Callaghan, D.
Devereux, J. T.
Fox, R. M.
Greene, J.
O'Connor, F.
Reynolds, J.
Scully, F.
Sullivan, M.

TELLERS.

Fagan, W.
Crawford, W. S.

Leave given. Bill brought in, and read a first time.

The Standing Orders having been suspended, the Bill passed through all its stages, without further opposition of any importance, and without any amendments, and was sent to the Lords.

Adjourned at a quarter before Seven.

HOUSE OF LORDS,

Monday, July 24, 1848.

MINUTES.] *Took the Oaths.*—The Viscount Doneraile.
Sat first.—The Lord Clifton, after the Death of his Father.

PUBLIC BILLS.—1ª Habeas Corpus Suspension (Ireland).
2ª Prisons; Ecclesiastical Patronage Suits Compromise (Ireland); West India Islands Relief.
3ª and passed:—Administration of Justice (No. 1); Administration of Justice (No. 2); Protection of Justices from Vexatious Actions.

PETITIONS PRESENTED. From Presbyterian Congregations of Arbroath, for Facilitating the Attainment of Sites for Churches (Scotland).—From several Places in Ireland, complaining of the Suspension of Public Works.—From Inhabitants of Great Grimsby, against the Sale of Intoxicating Liquors on Sundays.—From Merchants, Planters, and Labourers of Kingston, in the Island of Jamaica, complaining of Grievances relative to the Cultivation of Free-grown Sugar and Coffee.

HABEAS CORPUS SUSPENSION (IRELAND) BILL.

The MARQUESS of LANSDOWNE: My Lords, before the House proceeds further with the ordinary business, I beg leave to call the attention of your Lordships to a Bill which has just been sent up from the other House of Parliament, the title of which is, "An Act to empower the Lord Lieutenant or other Chief Governor or Governors in Ireland, to apprehend and detain, until the 1st day of March, 1849, such Persons as he or they shall suspect of conspiring against Her Majesty's Person or Government;" and I beg leave, as a matter of course, to move that this Bill be now read a first time.

Bill read 1ª.

The MARQUESS of LANSDOWNE: It now becomes my duty to call the attention of the House to the further proceedings which it may be induced to adopt with respect to this Bill; and I feel it to be more particularly my duty to call the attention of the House deliberately to the subject, because I am conscious that the course which I am about to recommend for your Lordships' adoption is a very unusual—but, as I shall be able to convince your Lordships, not an unprecedented—one to take with respect to such a Bill as is now before you. In doing so, I think it will save your Lordships' time if I should, at one and the same time, make some observations to your Lordships both with respect to the course of proceeding that I am about to propose, and with respect to the nature and object of the Bill itself. I have decided on taking this course because I think it is most desirable that the time of your Lordships should be saved, and because the observations I shall have to offer are, in point of opinion and of fact, identical with regard to both. I have, in the first instance, to state that which I am afraid must, through the ordinary mediums of communication, be necessarily known already to your Lordships, namely, that though only three days have elapsed since the subject had incidentally, and on the Motion of the noble Earl opposite, formed the subject of discussion in this House, these three days have not elapsed without bringing to your Lordships and to the public additional, and I may say overwhelming, proof, as to the nature, the character, and the amount of that exigency, under the pressure—the unmistakeable pressure—of which your Lordships are called upon to legislate. I have to state what your Lordships will perhaps expect to hear, what in the course of that time has been, not the stationary, but the progressive state of Ireland, in reference to the urgent, the imminent danger that we have to meet. I hold in my hand a short report on that subject, which

I will not trouble your Lordships by reading, but which contains a summary of the facts connected with the state of Ireland up to Saturday evening last; and the result of this statement is, that the system of clubs in Ireland—the machinery out of which rebellion is intended to grow—is advancing with an accelerated pace through all, or a great many at least, of the central counties of Ireland—I mean more particularly the counties of Meath, Cork, Waterford, Tipperary, and Kilkenny. During the short interval that has elapsed since the Lord Lieutenant of Ireland, in the exercise of the important duties committed to his charge, and availing himself of the power confided to him by your Lordships and the other House of Parliament, proclaimed, under the Act of the present Session, the cities of Dublin, Cork, and Waterford—during that time the acknowledged leaders of this conspiracy have been moving to and fro, from town to town, and from county to county, for the avowed purpose of reviewing their forces, and of ascertaining the extent of aid on which they might immediately rely. My Lords, these proceedings have been, as I need not tell any of your Lordships who have read the newspapers of this day, adopted without disguise to an extent that would make it appear as if the object of these persons was to make out a case for that particular mode of legislation to which your Lordships have been asked by Her Majesty's Government to have recourse. But that no doubt may be entertained on this subject—in order that no question may arise as to the specific object that they have in view—I wish, without troubling your Lordships by reading in detail that mass of bombast, of sedition, and of treason, with which numerous papers have come laden into this country—not to do mischief here, but as evidence of the mischief that they are doing on the other side of the Channel—without troubling your Lordships by reading the whole of this mass, I wish to point your attention for a few moments to a few pithy and significant paragraphs which proclaim, in terms not to be mistaken, the mode of action and the designs which these parties entertain; and for fear that the writers of these paragraphs should not be sufficiently connected in your Lordships' minds with the clubs and associations, the paragraphs have come to us with the acknowledged and well-known initials annexed to them of the persons who are known to be the most active among the leaders in this conspiracy. I find in one of these papers a paper signed by a well-known person of the name of Joseph Brennan. [Here the noble Lord read an extract from the *Felon*, to the effect that, after all the efforts of age, wisdom, and experience to achieve their object, they found themselves fairly advanced in a war from which there was no retreat but death; and then the writer went on—in language somewhat singular for the occasion certainly, but which he must have considered adapted to awaken the spirit he wished to see prevailing in that country—to say, "Young men of Ireland, on you I principally rely. My reliance is based on this, that you are very rash, and rather inclined to be violent, and to have exceedingly little prudence. Brothers, let your watchword be, 'Now or never—now and for ever.'"] Another of these persons, who signed with the initials of "J. F. L.," meaning a Mr. Lalor, states—

> "In the case of Ireland now, there is but one fact to deal with, and one question to be considered. The fact is this—that there are at present in occupation of our country some 40,000 armed men in the livery and service of England."

These are, it is to be recollected, men placed there for the defence of its shores, and for the protection of its industrious inhabitants. But how does he say that this force is to be dealt with? He proceeds to say—

> "And the question is—how best and soonest to kill and capture those 40,000 men. If required to state my own individual opinion, and allowed to choose my own time, I certainly would take the time when the full harvest of Ireland shall be stacked in the haggards. But not unfrequently God selects and sends his own seasons and occasions; and oftentimes, too, an enemy is able to foresee the necessity of either fighting or failing. In the one case we ought not, in the other we surely cannot, attempt waiting for our harvest home. If opportunity offers, we must dash at that opportunity—if driven to the wall we must wheel for resistance. Wherefore, let us fight in September, if we may — but sooner, if we must."

I say, that this proves clearly the designs of this party. But if there were any further proof wanting of the spirit in which it is sought to direct the whole mind and industry, if it can be so called, of that part of the united kingdom, it will be afforded by another of these papers, which is also one of their organs, and which I now hold in my hand. This paper, availing itself of a measure which was one of the most useful, one of the most beneficent, and one of the most effectual measures that my noble Friend the present Lord Lieutenant of Ireland has devised for the improvement of that country, and for the purpose of guarding against and mitigating the recurrence of famine, of which there existed, and still continues to exist, but too much ground for apprehension—the Lord Lieutenant of Ireland having sent round persons through the country, who have been by all loyal, by all peaceable, and by all industrious subjects cordially received and welcomed, and who, under the name of "practical instructors," apply the improvements of husbandry to the new exigencies which the recent misfortunes which fell upon the country have produced—these persons, availing themselves of that term, have in sarcasm headed one of the columns of this paper, "The Practical Instructor," and under this title they send forth their own "practical instructions;" instructions intended, not for the purpose of increasing the produce of the land — not for the purpose of promoting or inciting the industry of the inhabitants—not for the purpose of guarding against famine—but of extending in every direction such recommendations and advice as the most perverted imagination could supply. What do I find in the present paper under this heading, sent forth through the land for the information of the people? They are a species of receipts, which I will not trouble your Lordships by reading at length, but I will read the titles of a few of them. The first prescribes a mode by which flour of sulphur can be mixed with lead in a fused state to be cast into bullets. Another of these recipes is entitled "The Pike Auxiliary," which is an instrument in the form of a clasped knife, with a blade six or seven inches long, and tapered near the end—one of the most fatal instruments that man can use against man. I find also various receipts for preserving polished arms in a damp or underground position, and for making window grenades, to be used should Her Majesty's forces be engaged in attempting to suppress their disloyal violence. I say, then, that I need not go farther in search of proof as to what the views of these persons are. But then the question arises, how we, being in possession of these facts, and seeing these matters that are thus laid before us, ought to act, not only for the purpose of applying the only remedy that the nature of the circumstances admit, and which the Lord Lieutenant of Ireland has imperatively called for, but also to what extent have we precedents as to how we can best give to that remedy the most prompt and efficacious action. And, my Lords, I have to state that there are—and I confess I was glad to find that there are—many precedents from which it appears that your Lordships have been induced in times of emergency to proceed in one day to carry a Bill of this importance through all its stages. I say that I was glad to find these precedents, because, from the moment I saw that that precedent existed, I had not one minute's hesitation as to the course that I should propose to press upon your Lordships for adoption. Without troubling your Lordships with other precedents, though I have many of them near me, I will refer to one which appears to me to be the most positive and the most immediately applicable to the subject, because it arose after every one of the Standing Orders of your Lordships' House had been passed, to which your Lordships have recourse for the regulation of your ordinary business. I find that in the year 1803, without any previous notice for the suspension of the Standing Orders, two Bills were brought up from the other House of Parliament, for the suppression of rebellion in Ireland, and to enable the Lord Lieutenant to detain in custody persons suspected of disloyal intentions; and the Minister of the day moved at once, and without any previous notice, the suspension of the Standing Orders, Nos. 26 and 155. By these orders the noble and learned Lord on the woolsack was prohibited from putting the question for reading a Bill more than once at one sitting, without a specific order from the House; and it was then moved—

> "That it is the opinion of this House, that it is essentially necessary for the public safety that a Bill of the nature of the Bill this day brought up from the House of Commons, entitled, &c., should be forthwith proceeded with with all possible despatch; and that, therefore, notwithstanding such orders, the Lord Chancellor ought to put the question on every stage of proceeding on said Bill which this House may think necessary."

I have no hesitation in recommending your Lordships to adopt this course. I feel that the question now is, whether those who have put themselves out of the pale of the constitution—whether those who have formally announced their hostility, and who have actually proclaimed war against the authorities, without having up to this moment submitted themselves to any of the dangers of war—are unjustly treated by this mode of proceeding. I, for one, have not the least doubt that these are not persons entitled in any way to receive the benefit of those wise precautions and those mild regulations which the laws of this country and the laws of this House have prescribed for the protection, not of rebellious but of loyal subjects. I find that in one of these papers an article ends with this singular admission, somewhat, I am glad to say, characterised by a doubt as to the determination of those to whom it is addressed:—

> "Meanwhile, however, remember this—that somewhere and somehow, and by somebody, a beginning must be made. Who strikes the first blow for Ireland? Who draws first blood for Ireland? Who wins a wreath that will be green for ever?"

Now, I do believe that if we wish to confirm that doubt, that no person will be found to strike the first blow, and to shed the first blood for Ireland, we shall best do so by your Lordships passing this Bill without delay, and which I undertake to say will without delay receive Her Majesty's sanction. With these remarks, and as I do not wish unnecessarily to occupy your Lordships' time, I beg to move the resolution which I have already read, for giving power to my noble Friend on the woolsack to put the question, notwithstanding the Standing Orders to the contrary. I have, therefore, first, to move that those Standing Orders, Nos. 104, 26, and 155 be read with a view of moving this resolution. The noble Marquess then moved to resolve—

> "That it is the opinion of this House that it is essentially necessary for the public safety that the Bill this day brought up from the House of Commons, intituled 'An Act to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend, and detain until first March, one thousand eight hundred and forty-nine, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government,' should forthwith be proceeded in with all possible despatch; and that, notwithstanding the Standing Orders Nos. 104, 26, and 155, the Lord Chancellor ought on this day to put the question upon every stage of the proceedings upon the said Bill in which this House shall think it necessary for the public safety to proceed therein on this day."

LORD BROUGHAM said, that he was fully aware that this was a dangerous power for them to invest in any person, but it was one that it was absolutely necessary for them to exercise. He agreed with his noble Friend in his views of the dangers which pressed upon them, as appeared from the extracts which he had produced, and with which he had shocked, as well as astonished, the House by reading. He (Lord Brougham) had stated some months ago his willingness to tender his support to the Government on this subject; and he now seconded this Motion, because he conceived that, to be effectual, this remedy must be speedily applied; and he trusted that nothing would prevent their Lordships from adopting with one voice the proposition of his noble Friend. He should not trespass on the time of their Lordships. But when he saw what was passing in France—when he looked to the accounts he had received that morning of the delight with which some despicable and factious friends of disturbance regarded the prospect of insurrection in Ireland—when he saw the joy which the present state of Ireland gave to that wretched crew—he could not call them anything else, for they were not the people of France—he felt the more anxious that this measure should be speedily carried. Though it would protect the peace of Ireland, save many lives, and prevent much misery, he must protest against its being understood that the country wanted this measure, or any measure, to protect the integrity of the empire, or save them from losing the kingdom of Ireland. It was a fallacy to suppose that the existence of the British Government in Ireland was in any danger, or that the present measure was wanted to preserve that existence; but he would tell their Lordships what it was wanted to preserve. It was not wanted to prevent the disseverance of the empire, but to prevent attempts at that disseverance, which, although they would fail in their object, would not fail to involve that portion of the kingdom in which they were made in all the horrors of bloodshed and confusion. It was to prevent rebellion, although he (Lord Brougham) believed that rebellion must end in the misery and discomfiture of the rebels themselves. Nevertheless, it was the duty of their Lordships to prevent such attempts from being made. It was their duty to prevent them from being made, lest, as was usually the case, the innocent should suffer with the guilty. He had an additional reason for supporting the measure—a reason which he had derived from having seen in the documents which his noble Friend had read, not only that men who were at large were going about, sowing broadcast over the land the seeds of rebellion, and, as his noble Friend had said, openly proclaiming their want of allegiance to the Crown, but that persons who were actually within the walls of a prison were also inciting the people to the same course. One of the very worst of the papers which had been read by his noble Friend was the production of one of the persons now in prison for sedition. He (Lord Brougham) hoped that there was in Ireland a regulation, such as existed in England, to prevent such a grievous outrage on all common decency. He trusted that there was a prison discipline in Ireland, as well as in England, that would make it impossible for men to do such things—that would prevent them from converting their prisons into places from whence they could issue new declarations of treasons, reviving and aggravating their offence. There was a power given to the Judges in England when a man was sentenced to confinement for a misdemeanour, not only to award the term of imprisonment, but to appoint the prison in which he should be confined. There was one case in which a highly respectable individual was sentenced to imprisonment for a libel, which would be deemed loyal and praiseworthy as compared with those extracts which his noble Friend had been reading, and that scholar and gentleman was sent to Dorchester gaol for eighteen months. If a similar law did not exist in Ireland, it ought. He hoped that this Act would have the effect of weaning away from their leaders the honest but misguided people of Ireland. As to the leaders, he had very considerable doubts whether they would greatly object to the enactment of this measure which would secure their own persons. He believed that in Ireland they had been lately infested with two sorts of political leaders. One sort was formed of those who preached rebellion, but in a mitigated form—who preached everything short of that which would involve the inconvenience of themselves being prosecuted for treason; men who said, "Do this and do that," in order to prepare for rebellion, but who took especial care not to go beyond a certain limit. The object of those men was sordid to the last degree—they confined their objects to a design upon the pockets of the poor people who had placed themselves unhappily under the bad guidance of such leaders; and they thought that by saying, "Go this length or that length—but do nothing unlawful," that they could prevent other bad counsels from being taken from some rash and imprudent young men. Those were the agitators of the sordid, crafty, money-getting school. They, at all events, thought to save themselves from prosecution, which they were in great dread of, by recommending all things short of actual rebellion, and by continually saying, "Pray don't be guilty of any insurrection." It was as if one were to bring gunpowder to a place where they had kindled a fire, and then ran away, saying, "Pray don't explode." Their object was to get all they could out of the people, and to do no more. They were the sordid traitors. But of late there had arisen another set, less despicable, who were traitors, not from sordid motives, but from motives of mere contemptible vanity—men who made treasonable speeches; who, in seeking the bad and despicable object of the gratification of mere personal vanity, had been guilty of sedition and treason. He believed they had no other object. He believed that actual rebellion and actual war was the last thing they wished for or thought of. But it did not follow that they could stop the dupes they had been leading on; and that when they were in the very act of hatching a rebellion which they did not wish to see come into existence, that rebellion would not come into existence if the Government did not take possession of the persons of the leaders. It was out of affection for those misguided people, out of love for those unhappy persons whom those leaders were conducting to their ruin, and to prevent the peace of the country from being broken, that he (Lord Brougham) gave his reluctant but complete support to that salutary, because necessary, measure.

The EARL of WICKLOW said, that it was with great reluctance he took any part in the debate. But there was one matter to which he could not avoid directing attention, and upon which he desired to have some information. Some of the letters which the noble Marquess had read, appeared to be addressed from within the prison walls in Dublin. He therefore begged to ask Her Majesty's Government whether there was not some measure adapted to prevent the issue of such productions from the prisons? His noble and learned Friend opposite (Lord Brougham) said that the law prohibited such proceedings. He (the Earl of Wicklow) hoped it did; but if so, how, he asked, could the Government account for such latitude having been given to those prisoners in Dublin? They found a letter in one of the papers quoted by the noble Marquess, from Mr. Duffy, a person who was exciting the people to actual rebellion, and that letter coming from within the walls of Newgate. He trusted that if the law were not sufficient, provisions would be introduced into the Bill before the House, if necessary; or that at all events the Government would give a pledge that they would not allow such things to be done again. He trusted that some explanation would be given by Her Majesty's Government.

The MARQUESS of LANSDOWNE was understood to explain that the fact of those papers having appeared signed by persons who were actually confined in prison, had been a subject of inquiry; and it was the intention of Her Majesty's Government to take steps to prevent the possibility of such occurrences happening again. But there was every reason to suppose that these letters were not written by the prisoners whose signatures were attached, but by persons who were out of prison, and who, probably by the authority of the prisoners, affixed the signatures which appeared. But as to the remarks made by the noble and learned Lord (Lord Brougham) about the selection of prisons and prison discipline, he begged to say that during the time prisoners were confined previously to their trials, it was impossible to confine them in any particular prison. But, however, with regard to the cases alluded to, no letter whatever had been allowed to be sent out of the prison in Dublin without being examined.

The EARL of ELLENBOROUGH hoped that the sanguine expectations of the noble Marquess with respect to the effects of the measure before the House, would not be disappointed. The noble Marquess hoped that it would prevent rebellion. He (the Earl of Ellenborough) believed that if Her Majesty's Government had proposed it six or eight weeks ago, it might have prevented rebellion. It might have prevented that organisation which Her Majesty's Government had seen growing up under their hands from day to day. The noble Marquesss had read extracts from papers threatening rebellion; but writings and speeches in the same sense were not new to their Lordships. It was more than three months since he (the Earl of Ellenborough) had read to the House extracts from a paper (the writer of which had since undergone the penalty of having written them), and had called attention to them. His noble Friend (Lord Stanley), whose absence upon the present occasion he regretted, had also called attention to the character of these writings, and yet no proceedings were then taken; on the contrary, no notice was taken of them. But it was three months since he (the Earl of Ellenborough) had called attention to the state of Ireland. He asked them, did the Government intend to proclaim Dublin? or had they sufficient power under the Bill they had obtained this Session? or did they intend to ask for any further measures? He was told, in reply, that the Lord Lieutenant did not ask for any further powers; but that if he should ask for other powers, they would be applied for in Parliament. Were they, then, to understand that it was only on the 18th of July that the Lord Lieutenant saw the necessity of asking for that Act—that it was only then that he saw necessity for asking for further powers? Had he seen these clubs growing up before him daily, and was he not aware of the danger? Did Her Majesty's Government not see the danger? And did they postpone seeking for further powers until the danger was so great that they could get a measure passed through all its stages in one night? It might be very convenient to the Government; but was it convenient to the country when it led to raising the hopes of those persons that they would be successful? But whilst the noble Marquess had spoken of the organisation for rebellion, what was the organisation of the Government? He (the Earl of Ellenborough) had no doubt that as to the preparations made by the proper disposal of the military and constabulary throughout the country, everything that should have been done had been. But had everything been done in the way of organising the well-affected portion of the population? Had arms been given to the well-affected? Had any steps been taken to organise those persons in Ireland who were ready, heart and hand, to support the Government? He (the Earl of Ellenborough) believed that this measure would not prevent rebellion in Ireland. He believed it would precipitate it. It should have been passed before. He had said three months ago that no man ought to be allowed to have arms in Ireland without the consent of the Government. What he now said was, that it was not by the measure before the House they could prevent rebellion, although they might embarrass the rebels by means of it; but nothing which they could do would prevent a rebellion in the south of Ireland but their arming of the north. And if they went into the struggle without organisation of the well-affected, and without the arming of their friends, they would have placed the country in the condition of having to undergo a long and bloody contest, whilst they had the means of rendering it short, if not of preventing its possibility.

The MARQUESS of LANSDOWNE: I will not be tempted—I had almost said provoked—by the speech of the noble Earl to go into any detailed reply to his speech. It is the only one of its character that in either House of Parliament has been pronounced upon this measure. I will not go into the topics which he has chosen this opportunity, upon an occasion so urgent, to introduce. All I will assure the noble Earl of is this—that upon every one of those faults which he has charged upon Her Majesty's Government with respect to the measures, with respect to the time, with respect to the necessity, with respect to the reasons for and against — the noble Earl having considered only the reasons for, and omitted all consideration of the reasons against—but upon every one of those subjects, at a fitting opportunity, on a day which the noble Earl will choose for that purpose, I will meet him — meet him on behalf of the Government and on behalf of the Lord Lieutenant of Ireland, between whom and Her Majesty's Government at home there has been a perfect concert on the measures adopted. I shall say no more because the opening of a debate now will only have the effect, which I do not think it was the object of the noble Earl it should have, of preventing this Bill from passing immediately into a law, which it is essential it should be within a very few hours.

The EARL of GLENGALL merely begged to allude to a point to which he had referred upon a previous occasion. It was the part which the Roman Catholic clergy of Ireland might choose to take in the present momentous crisis. That was one of the most important points of all; and he was happy to be able to say that the accounts he had received from Ireland on that point were very satisfactory. It gave him great pleasure to rise in his place and declare it. But although there was a great body of the Roman Catholic clergy opposed to insurrection, he regretted to say that there were several young Roman Catholic priests who were urging the people on to join the clubs. He had that information on undoubted authority. There was one Roman Catholic priest, who, at a meeting held in Dublin on the day after the Privy Council had resolved upon proclaiming Dublin and other places, seconded a resolution to the effect that the British Government ought to be laid low in Ireland. But he (the Earl of Glengall) recommended that portion of the Roman Catholic clergy of Ireland who desired the people to organise those clubs, to pause and read the pages of history, and they would find that every revolution had been fatal to the Roman Catholic religion. It was so in Ireland and in this country after the Reformation; and in 1688, and in the revolutions of Spanish America, in Spain itself, and in the French Revolution of 1830, the Roman Catholic religion had suffered. In the very last revolution in France, had not the Roman Catholic Archbishop been murdered? and was not the Pope himself at this moment critically situated in consequence of revolutions? The Roman Catholic priests, therefore, should take warning from these facts, as they must see that, if they stirred up the people to rebellion, it would prove injurious to their religion.

On question, Motion agreed to, *Nemine Dissentiente*.

Then it was *moved*, That the Bill be now read 2^a: On Question, *Resolved* in the *Affirmative*, *Nemine Dissentiente*: Bill read 2^a accordingly. Then it was *moved*, That the Bill be now committed to a Committee of the whole House: On Question, *Resolved* in the *Negative*, *Nemine Dissentiente*. Then it was *moved*, That the Bill be now read 3^a: On Question, *Resolved* in the *Affirmative*, *Nemine Dissentiente*: Bill read 3^a accordingly. Then it was *moved*, That the Bill do pass: On Question, *Resolved* in the *Affirmative*, *Nemine Dissentiente*: Bill *passed*, accordingly: and a Message sent to the Commons, to acquaint them therewith.

PUBLIC HEALTH BILL.

LORD CAMPBELL said, there was another measure which he hoped would be passed with almost the same rapidity as the one just disposed of. He meant the Public Health Bill, which he held in his hand, and which had undergone the most careful consideration from a Select Committee of their Lordships' House. He was not aware that the Bill would receive any opposition, and he therefore moved that the House should resolve itself into a Committee upon it.

After a few words from the Earl of

ELLENBOROUGH, the House went into Committee.

LORD CAMPBELL said, that the measure introduced by his noble Friend opposite (Lord Redesdale) for the prevention of the smoke nuisance had been one of the improvements introduced by the Select Committee into the Bill.

After a few words from Lord **REDESDALE**, which were inaudible, the Bill passed through Committee.

House adjourned.

HOUSE OF COMMONS,

Monday, July 24, 1848.

MINUTES.] PUBLIC BILLS.—2° Regent's Quadrant Colonnade; Rum, &c. Duties; Turnpike Roads (Ireland); Stock in Trade Exemption.

3° and passed:—Incumbered Estates (Ireland).

PETITIONS PRESENTED. By Mr. Sandars, from Inhabitants of Wakefield, for an Alteration of the Law respecting the Church of England Clergy.—By Mr. Wilson Patten, from Members of the Wesleyan Congregation of the Town of Berwick-on-Tweed, for a Better Observance of the Lord's Day.—By Lord George Bentinck, from the Distillers in and near London, against the Rum, &c. Duties Bill.—By Mr. Cardwell, from Merchants and Others, of Liverpool, for Extending to that Place the Habeas Corpus Suspension (Ireland) Bill.—By Lord J. Russell, from the Grand Jury of Limerick, for the Completion of the Unfinished Roads in Ireland.—By Viscount Emlyn, from Officers of the Narberth Union, Pembrokeshire, in favour of a Superannuation Fund for Poor Law Officers.—By Mr. William Miles, from Guardians of the Bedminster Union, in the Counties of Bristol and Somerset, for an Alteration of the Poor Law Union Charges Bill.—By Sir George Grey, from the Teachers of the English and Welsh Wesleyan Sunday Schools, Tredegar, Monmouthshire, in favour of the Sale of Beer, &c. Bill.—By Sir R. Peel, from Aldermen and Burgesses of the City of Chester, for carrying out Measures proposed by the Tidal Harbour Commissioners.

JURIES (IRELAND)—ADJOURNED DEBATE.

Order of the Day read for resuming the Adjourned Debate from July 21, on the Amendment, and to the Motion that the Speaker do leave the chair, to go into Committee of Supply.

MR. FAGAN vindicated the course which had been taken by the hon. Member for Athlone (Mr. Keogh), in bringing forward the question of juries in Ireland before the House. Although differing entirely from that hon. Gentleman in politics, he must do him the justice to say, that he had not commenced that scene of acrimony and personal recrimination which had occurred. All this personal matter had, however, nothing to do with the question before the House. He contended that the right hon. Gentleman the Home Secretary had not answered any of the statements put forth in the hon. Member for Athlone's speech, with the exception of the first—namely, that the sheriff was appointed by the Crown. With regard to the second statement, that out of a list containing two Catholics to one Protestant, the sheriff had selected 150 persons, in the proportion of four Protestants to one Catholic, the right hon. Gentleman had argued that the sheriff was justified in point of law in the selection he made. He admitted that the sheriff might be legally right, but he believed him to be morally wrong. The right hon. Gentleman had also said that the sheriff had selected the names in rotation, according to their wealth and respectability; respectability in this case being wealth. That statement had been corroborated by a witness examined to try the validity of that panel, who stated that the respectability of the jurors had reference to their wealth; and the sheriff himself, in vindicating his own conduct in respect of two persons in the same business, stated that the selection had been made according to relative respectability. Both these persons, however, being in the same business, nothing but wealth could have been meant as the test. He protested against this principle of selection; and if the sentiments expressed by the right hon. Baronet the Member for Tamworth, in a remarkable letter written to the then Lord Lieutenant of Ireland, regarding the propriety of carrying out the Emancipation Bill by the appointment of Roman Catholics, were of any authority, the character and not the wealth of the parties, should be the rule of selection. If the sheriff had made his selection on that principle, the discontent now prevalent in Ireland would not have existed. He would now read to the House the opinion expressed by the noble Lord at the head of the Government, in the debate on the state of Ireland in 1844, on the subject of jury packing:—

> "It does, Sir, appear to me that such a fact of itself deprives the whole of those proceedings of any weight or value. I can understand if the object had been to obtain a jury to convict—if it had been the practice which a violent partisan might adopt for the purpose of sustaining a private right to obtain a jury to suit his purpose, I could then, and in such a case, understand such a course being taken."

That speech had no doubt had its influence upon the mind of the sheriff, and had operated upon him in making the selection. The question to be tried was whether Catholics had been excluded from the panel; but would the House believe that that question, which was the main and sole question, was not allowed to go to the jury at all; one of the Judges declaring that they were not justified by law in inquiring into the religion of any man, while the Attorney General, by a technical objection, prevented the point from being brought to decision at all. The right hon. Baronet had read a letter from the Attorney General, who said that the Roman Catholics proscribed had been set aside, not on account of their religion, but their political opinions; and he had said that the celebrated instructions of Sir M. O'Loghlen referred to ordinary cases, and not to such a case as this. Sir Michael said in his instructions—

> "You will not set aside any juror on account of his political or religious opinions, and you will be pleased, in every case in which you may consider it necessary to set aside a juror, to make a note of the objection to him."

These were his general instructions. But allowing, for argument's sake, that the Attorney General was justified in setting aside jurymen on account of their political opinions being the same as the prisoner's, he denied that repealers sympathised with Mr. Mitchel. Mr. Mitchel repudiated repeal, and called it a humbug. On that ground, therefore, the Attorney General was not justified in setting these jurors aside. The majority of the repealers were Roman Catholics; and the consequence of this rule, of setting aside repealers, would be, that almost all the Catholics of Ireland would be excluded. By leaving no other than anti-repealers on the jury list, trial by jury in Ireland would become, in the words of Lord Denman, "a mockery, a delusion, and a snare." The right hon. Baronet said that six of the men set aside had been selected by the prisoner's counsel to be retained upon the trial, and that justified the Attorney General in setting them aside. How did the Attorney General obtain that information? Who was the traitor to the prisoner, by whom the Attorney General was informed of the parties to be left on? In Ireland the religious feeling was very strong; and any insult to their religion was taken up very warmly. Reference had been made to a certain trial in 1844; he had reason to recollect it, for he filled the office at that time of chief of the city he now represented; and the first duty he had to perform was to call a meeting of his fellow-citizens to protest against the insult and wrong done to the Roman Catholics in striking off ten Catholics from the jury panel; and so strong was the feeling of the Roman Catholics on that occasion, that whereas it had hitherto been the rule not to allow their chapels to be used for any political meeting, yet that meeting was held in the great Catholic chapel. There were 300 meetings of Roman Catholics in Ireland to protest against the insult offered to the Roman Catholics. He should have wished that the hon. Member for Athlone had brought forward this subject at an earlier period of the Session; but as he had brought it forward, and as the right hon. Baronet had made his statement, he, in vindication of his insulted countrymen, had thought it right to trespass upon the attention of the House.

Mr. GRATTAN did not think it necessary to enter deeply into this question. He had intended to bring it before the House himself, but he had been informed by the hon. Member for Athlone that he proposed to do so. He would give the hon. Member his advice not to agitate the public mind in the present state of Ireland. The condition of that country was dreadful; the fever was increasing, and whole districts were becoming depopulated; in some places there was not even an animal. Instead of dividing upon this question, it would be much better to divide amongst the starving people of Ireland loaves of bread, and give them physic and clothes. Considering the destitute state of the people of Ireland, there existed abundant materials for inflammatory proceedings; but, situated as the Irish people were, it did not become the Government to bring forward such a measure as they introduced last Saturday, without sufficient notice—without a message from the Crown, or the examination of a single individual before a Committee of the House; and only justified by newspaper extracts, and the *ipse dixits* of a few individuals. The noble Lord, while some of the Irish Members were absent at the assizes, introduced and passed that Bill in a morning sitting, and thus in seven hours the liberties of the Irish people were taken away. The people of Ireland were discontented, and justly so; and it was only the storm that had raised up many of these men, against whom the suspension of the Habeas Corpus Act was directed, and who, if left alone, would sink to their natural level. The trial had made Mitchel a man of importance. On Saturday last a most inflammatory article was sent forth from Newgate prison, in Dublin. How happened it that that letter was allowed to be conveyed from the prison; and were the liberties of his country to be taken away because some men, like the writers of these inflammatory articles, had gone mad? Had it come to this, that the connexion between Ireland and England could only be supported at the expense of the liberties of the Irish people? He had on a previous occasion voted for a Bill of the Government, with the view of putting a stop to assassination; but he should never have done so if he had contemplated that such a city as Dublin would be put under its operation. Extracts from Irish papers had been read the other day, and it was said that plunder was intended; but he did not think that Mr. O'Brien, and others acting with him, meant that. Did this country, he asked, always expect to remain at peace? Did they think that the republican movements on the Continent would pass away without occasioning excitement elsewhere? He cautioned the House to beware how they excited feelings in the breasts of the Irish people which it would be difficult, if not impossible, to subdue. He might state that rather more than a year ago he was in a seaport town, and entered into conversation with an Irishman who was on the point of embarking for America. He advised the man to remain at home, in the hope that better times might arise. The man replied, "No, Sir; I will go to the land of liberty." He (Mr. Grattan) said, "But consider your sons." The reply was, "Ah, they will come back; and when they do come, it will be with rifles on their shoulders." Now, he would ask the House to consider what might be the state of this country if this man's anticipations should prove to be well founded. He would also remind them that only the other day the Irish in America subscribed no less than 1,000,000 dollars to aid the plans of their countrymen at home. The Legislature of the united kingdom, by their measures, had not only run the risk of separating the two islands, but in Ireland they had actually divided the north from the south, the Catholic from the Protestant, and had made religion the cause of discord and war. He had himself heard it said in Dublin Castle—"Depend upon it, if the repeal movement goes on we will give you up to the Orangemen." He believed that the trial of Mitchel had only aggravated the irritation which before prevailed in Ireland; and he considered that the hope of restoring Ireland to a state of tranquillity had been almost destroyed by the measure which had received the sanction of that House on Saturday. It was his desire that the two countries might continue under one Crown, though under separate Legislatures; but he did hope that, so long as they were governed by the same Legislature, a more conciliatory course would be adopted towards his countrymen.

Lord J. RUSSELL: I am not going to follow the hon. Member for Meath into a discussion of the measure which received the sanction of this House on Saturday; but I think no one can deny that the intelligence which has been received from Ireland this day would fully justify the adoption of that measure. I rise, Sir, merely to say a few words, because I understand that the hon. Member for Athlone (Mr. Keogh), in bringing forward his Amendment on Friday, was pleased to comment upon my absence from the House. Now, I can assure the hon. Gentleman that I did not leave the House from any want of respect for him, or from any inattention to the subject which he brought forward; but, having early on Saturday to propose to this House a measure of the greatest importance, and, it being necessary for me to consult documents, and to consider what ground I should take for the measure I had to introduce, I thought it was better to take some time for the inspection and preparation of those documents, than to attend in the House during the remainder of the debate. With regard to the Motion of the hon. Member for Athlone, having heard the greater part of his observations on the subject, I do not think he was justified in the statement he made. He went particularly into the case of Mitchel; and he stated that the sheriff of Dublin was an officer appointed by the Crown. Now, technically and literally, this may be true; but, in point of fact, the names of three gentlemen are returned by one of the Judges—in this case, I believe, the return was made by the Chief Justice—for the choice of the Crown. That, certainly, is a totally different thing from the sheriff being selected by the Crown; for the only choice the Crown has is to select one of the three persons; unless the Crown thought proper to set the whole three aside—a course which, I need scarcely say, was not taken in this case. The sheriff, I believe, performed his duty most conscientiously. Then the hon. Gentleman says it was wrong to exclude a great number of Catholics from the panel, and to challenge the names of certain persons who were placed upon the list. An hon. Member, who has addressed the House to-night, has asked whether it is intended to exclude Catholics and Repealers from juries? I should reply, neither the one nor the other. I do not think there is any reason why Catholics ought not to be placed upon the juries equally with Protestants. So, likewise, with regard to the general question—the political opinions of a repealer would not disqualify him for sitting upon a jury. But the question in this case was, with regard to the offence of a person who had declared openly that Ireland ought to be separated from England—that Ireland ought to be made a separate republic—that the Queen ought to be deposed from her authority and title in Ireland—and that these objects ought to be accomplished by force. Now, the question to be considered with regard to persons upon the jury list was, whether or not they would do their duty in trying the issue; because the jury are sworn well and truly to try the issue, and to give their verdict according to the evidence. But if the Attorney General, or those who were acting under his instructions, thought that any persons were not likely to give a verdict according to the evidence, but that they were likely to give a verdict against the evidence, they were perfectly right not to leave such persons upon the list of the jury. I do not think it would be a sufficient answer to the challenge in any particular case to say, "Oh, but this gentleman is a Roman Catholic, and because he is a Roman Catholic—although he is not likely to try the question fairly—his name ought to be left upon the jury." Whether or not the discretion, in this case, was well exercised — whether the persons omitted were persons who would have tried the question with perfect fairness, is a matter into which neither I nor the Lord Lieutenant of Ireland could enter. It is, however, well known that in January last, persons were promulgating opinions in Ireland for which, I believe, they might have been tried for high treason. There were also individuals in and about Dublin who felt themselves perfectly justified in aiding to publish such opinions; and these certainly were not persons who could properly be left on juries to try offences of this nature. That, I believe, was the case with regard to those who were omitted from the jury lists in the instances to which the hon. and learned Member for Athlone has referred. I believe there is no ground whatever for accusing the sheriff of partiality with respect to the selection of the jury. With regard to the Attorney General for Ireland, he is a Roman Catholic, and I do not think it likely that, without good reason, he would take any step which would have the effect of disqualifying his co-religionists from sitting upon juries. This is a plain statement with regard to what took place in the case of Mr. Mitchel. I have not received any particulars as to the other cases referred to by the hon. and learned Member for Athlone; and, as he did not enter into the particulars of those cases, it is, I think, unnecessary for me to do so. I have only to say that, in the present situation of public affairs, I cannot agree to the Motion of the hon. and learned Gentleman. The House will not, I think, regard it as advisable to enter into any inquiry on this subject; and I can only assert, generally, that there is on the part of the Government, on the part of the Lord Lieutenant of Ireland, and on the part of the Attorney General for Ireland, every disposition to afford a fair trial to persons who may be accused of such offences as have been referred to by the hon. and learned Gentleman.

Amendment negatived.

SUPPLY—THE ARMY ESTIMATES.

House in Committee.

On the question—

"That a sum not exceeding 1,336,880*l.* (being part of the sum of 3,836,880*l.*, of which 2,500,000*l.* had been granted) be granted to Her Majesty to defray the Charge of Land Forces for Service in the United Kingdom of Great Britain and Ireland," &c.—

Mr. F. Maule was understood to say, in reply to Sir **De L. Evans**, that this was the first time he had heard of a claim on the part of the officers referred to by the hon. and gallant Member—certain officers on the full-pay retired list—to continue to progress in rank in the Army on occasion of a brevet. If promotion by brevet were extended to them, the honorary distinction would carry with it no charge upon the State; but it might be a question whether the practice would be a convenient one: it might give an impression that our list of general officers was much greater, with reference to efficiency, than the fact would warrant. As a matter of good-nature and kindness, he (Mr. F. Maule) should certainly have no objection himself to oblige these veterans; at the same time, to himself it would be a matter of very little concern whether he was called major or lieutenant-colonel.

Mr. B. OSBORNE said, that the treatment of officers in the Army was infamous. The services of meritorious men were overlooked if they happened to have no connexions. Take the Caffre war, for instance. The whole brunt of it was borne by three or four officers; but Colonel Somerset, Captain Hogg, and Captain Bisset, received nothing but empty thanks in despatches and gazettes. And forsooth, Mr. Bulwer, Mr. Trevelyan, and Mr. Chadwick were honoured with the rank of C.B.! The fact was, that the Under Secretary of State for the Colonies was actually Secretary at War in regard to them; he had the whole disposition of the colonial force, and settled what regiments were to be sent out. The old colonels who went out from England were put to Captain Bisset to be taught how to conduct a Caffre war. But these officers, to the disgrace of the country, were pushed aside and neglected for younger men, who had never even been called out in a street riot, and who had no claim to promotion but their high connexions. These things would not be suffered to continue much longer.

Mr. F. MAULE, so far as he had seen the course of procedure at the Horse Guards, believed there was great fairness exhibited in that department in the management of the Army, and in regard to promotion. With respect to this Caffre war, who was the first person that was named by the hon. Member as neglected? Colonel Somerset, a most intimate connexion of the man said to be all-powerful at the Horse Guards—the nephew of Lord F. Somerset. The reason why no decoration had been bestowed upon Captain Hogg was, that he could not, according to the regulations, obtain one, in consequence of not being of higher rank than a captain.

Vote agreed to.

On the question that the sum of 168,237*l.* should be granted to defray the charge of the general staff serving in Great Britain and Ireland and on foreign stations, and in the garrison of the Tower of London, for the year ending the 31st of March, 1849,

Mr. B. OSBORNE considered the staff of the Army worthy of the consideration of the House. He thought the office of Master General of the Ordnance and that of Commander at the Horse Guards should be held by one person. He would knock off 1,000*l.* a year from the allowance to the Duke of Wellington as Constable of the Tower of London. Then there were various other items in this estimate which he considered to be wholly unnecessary. There was 122*l.* a year to the physician; the paltry charge of 10*l.* to the apothecary; 8*l.* to the gentleman-porter; 66*l.* to the gentleman-gaoler; and then there were 40 yeomen-wardens, whose receipts amounted to 848*l.* The sum altogether which these items made up was 3,911*l.* 10*s.* 8*d.*, and he begged to move that the vote be reduced by that amount.

Mr. F. MAULE said, that the whole of the establishment of the Tower had been frequently under the review of the Committees of the House, and it had also been under the review of the Military Commission. He should be the last man under any circumstances to propose a reduction of the sum paid to the present Constable of the Tower. But all these questions would come before and be inquired into in detail by the Committees of the House; and if that Committee should propose a reduction of these charges, the House, no doubt, would give their recommendations effect.

The Committee divided on the question, that the sum be 164,326*l.*:—Ayes 21; Noes 69: Majority 48.

List of the Ayes.

Blewitt, R. J.
Bowring, Dr.
Brotherton, J.
Clay, J.
Cobden, R.
Colebrooke, Sir T. E.
Crawford, W. S.
Fagan, W.
Hastie, A.
M'Gregor, J.
Mitchell, T. A.
Mowatt, F.
O'Connor, F.
Pilkington, J.
Reynolds, J.
Smith, J. B.
Thompson, Col.
Thompson, G.
Wakley, T.
Wawn, J. T.
Williams, J.

TELLERS.

Hume, J.
Osborne, R.

List of the Noes.

Abdy, T. N.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Bellew, R. M.
Bentinck, Lord G.
Blackall, S. W.
Buller, C.
Bunbury, E. H.
Cardwell, E.
Clay, Sir W.
Craig, W. G.
Dawson, hon. T. V.
Drumlanrig, Visct.
Drummond, H.
Dundas, A.
Dunne, F. P.
Egerton, W. T.
Ferguson, Sir R. A.
Fitzpatrick, rt. hon. J. W.
Floyer, J.
Fox, R. M.
Freestun, Col.
Goulburn, rt. hon. H.
Grace, O. D. J.
Greene, T.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Gwyn, H.
Hamilton, G. A.
Hay, Lord J.
Hayter, W. G.
Henley, J. W.
Herbert, rt. hon. S.
Hood, Sir A.
Jervis, Sir J.
Langston, J. H.
Lennard, T. B.
Lindsay, hon. Col.
Lockhart, A. E.
M'Cullagh, W. T.
Marshall, W.

Matheson, Col.
Maule, rt. hon. F.
Monsell, W.
Morison, Sir W.
Palmer, R.
Parker, J.
Reid, Col.
Rice, E. R.
Romilly, Sir J.
Russell, F. C. H.
Rutherfurd, A.
Sandars, G.
Sheil, rt. hon. R. L.
Simeon, J.
Somerville, rt. hon. Sir W.
Stafford, A.
Stephenson, R.
Tancred, H. W.
Thornely, T.
Turner, E.
Vivian, J. E.
Vyse, R. H. R. H.
Ward, H. G.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.

Tufnell, H.
Rich, H.

Original proposition agreed to.

Other votes agreed to.

House resumed. Report to be received.

INCUMBERED ESTATES (IRELAND) BILL.

Bill read a Third Time.

Clause for still further protecting the interests of the remainder-man, agreed to.

Mr. MONSELL (on behalf of Mr. Bouverie) then proposed the following Clause:—

> "That no assurance under this Act shall be subject to the further or additional duty (of equal amount with the duty on a lease, or bargain and sale for a year) with which conveyances by a single deed are by any Act, either expressly or by reference, made chargeable; and that, in lieu of all other stamp duty whatsoever (except the progressive duty) there shall be chargeable on all assurances under this Act on which the purchase or consideration money therein or thereupon expressed shall not amount to 2,000*l.*, an *ad valorem* duty of 6*s.* for every 50*l.* of such purchase or consideration money, and the like sum for any smaller or fractional part of 50*l.*"

Clause brought up and read a first time. On the question that it be read a second time,

The CHANCELLOR of the EXCHEQUER said, that there might be inequalities in the pressure of the stamp duty requiring revision, and which might be made the subject of a general measure; but he must object to these exceptional cases. In almost every Bill claims of exemption of some kind or other from the stamp duties were put forward.

Mr. MONSELL said, that if ever there was an exceptional case this was one. Every Member who had addressed the House on this Bill had dwelt on the great importance of encouraging the sale of estates in small portions, not only as regarded the social advantages of such a system, but the probability of finding buyers. If the Bill worked, as he believed it would, the right hon. Gentleman would gain a large addition to his stamp revenue from that very source. If the Government really wished the measure to work, it was hard to interpose an insuperable obstacle to its usefulness in the shape of a heavy tax on the sale of property in that very manner which everybody thought was the most desirable mode of sale. He must divide the House on the question.

Mr. OSBORNE supported the clause. Why should not the stamp duties be lowered to enable small capitalists to buy land? He hoped that the right hon. Gentleman would profit by the convincing and able remarks of the right hon. Member for Ripon on the stamp duties. He did not think so highly of this Bill as some hon. Members; for he believed that while they kept in the old track of the Court of Chancery, and the Masters' Offices, and did not put the matter into the hands of a Commission, they would never have a good Bill for the sale of encumbered estates.

The Earl of LINCOLN: I certainly should be disposed to appeal to the hon. Member for Limerick not to divide the House upon this clause; but at the same time I would also appeal to the Government to take into their serious consideration the whole question of the stamp duties as affecting the transfer of landed property in Ireland. The right hon. Gentleman the Chancellor of the Exchequer has replied to the proposition of my hon. Friend, by stating, that almost every Bill that is now introduced into this House contains a clause for exemption from the stamp duty; but I think the right hon. Gentleman has hardly given a fair representation of the clause brought forward by my hon. Friend, when he represented this as a claim for exemption. It is not a claim for exemption, but a claim that the stamp duties as regards the sale of landed property in Ireland should be so rearranged as not to affect the sale of such property in a way that would be prejudicial to the object which is intended by this Bill to be accomplished. According to my view of the object of the Bill, it does not merely contemplate the transfer of properties in bulk from a landed proprietor who is now encumbered by his own conduct, or by the conduct of his ancestors, to some one other individual, but it is intended that when such properties are to be sold, those who have the means of small investments should be enabled to invest their capital in the soil of Ireland; and it cannot be said that there are not great impediments to that object in the present scale of the stamp duties. Under the present scale, when properties are sold, the small allotments of landed property brought into the market pay—not actually a larger amount, but proportionably—a larger amount of stamp duty than large properties. This system, I submit, cannot be defended, except as regards financial arrangements. Even on that ground I do not think it can be supported; but on that question I shall bow to the opinion of the right hon. Gentleman. Certain I am of this, that on no other possible ground can such a principle be maintained in this House; and when Her Majesty's Government have undertaken this Bill for the purpose, I assume, of facilitating these small investments, and when the hon. Gentleman opposite (the Solicitor General) has bestowed so much pains (which every person in this House, I am sure, is ready to recognise) upon it, I feel confident that the hon. Gentleman will add his appeal to ours on this subject. If he does not think he can do so quite decorously while sitting on the same bench with the right hon. Gentleman, I hope at least in private we shall have his assistance in appealing to the right hon. Gentleman, and to Her Majesty's Government, that they will not rest satisfied with this Bill when it shall have passed in its present shape, but will take into consideration the revision of the stamp duties on the sale of landed property in Ireland. The object of this Bill, I repeat, ought not to be merely the transfer from the present proprietors of large properties to certain great capitalists in this country. In that case the measure would be a boon merely to the person who sold the property, thereby denuding him of those duties which large properties entail on proprietors, but which from his unfortunate position he is unable to fulfil, for I should look upon this Bill as a great boon to the landed proprietor, considered only as an easy mode of making a transfer from one great proprietor to another; but the boon ought not to be confined to him alone; and, viewing this as a great national question, unless followed up by one or two other measures, this Bill by itself cannot be as effective as was contemplated. I hope I shall be allowed to refer to another point, with reference to which I think it will be necessary in another Session of Parliament to follow up this measure. Dismissing the question of the stamp duties with a general appeal to the right hon. Gentleman the Chancellor of the Exchequer not to shut the door, not against exemption, but revision, I beg to refer to another point of considerable importance. It is a point which has not been touched upon by any speaker in the various debates on this Bill, except on a late occasion, incidentally, and from a motive different from that to which I shall allude to it, by the hon. Gentleman the Member for Newark. The hon. Gentleman the Member for Newark appealed to the House to throw out the Bill, on the ground that there were many properties in Ireland so circumstanced, that as regards them the Bill will be found to be utterly ineffective. He alluded to those large landed properties in Ireland, where the land is not let from the landlord direct to the occupying tenants; but where the land, having been let on leases for a long term of years, is then sublet to what in Ireland are called middlemen, those middlemen not only being in some instances third parties, but sometimes fourth and fifth parties, each of whom receive a kind of annuity out of the property; and the only persons standing in the relation of landlord and tenant, being the last leaseholders and the occupying tenant. I am sure the hon. and learned Gentleman (the Solicitor General) will at once see that the transfer of such property under this Bill will produce none of those beneficial social and moral effects which he contemplates. It will merely facilitate the transfer of an encumbered estate from one person to another; but as regards the possibility of the improvement of that estate, the matter will rest precisely as it does at present. For instance, a person being the original landlord of 5,000 or 6,000 acres of land, has let the land upon a fixed rent to another individual; that individual then lets it to another person for a rent somewhat larger than he himself pays, and that individual perhaps lets it to another, who intervenes before we come to the occupying tenant. The persons to whom it is intermediately let, can only be looked upon as so many encumbrancers upon the estate; but the original landlord—he who is the possessor of the soil so far as the law is concerned—has no more power over it than any of us, and can have no interest in improving that estate. Neither (when he is able to sell it to a great capitalist in London) will the purchaser have any inducement to improve, or any power of improvement whatever. Neither, of course, will any of those who are intermediate landlords, or are, as I have termed them, encumbrancers on the estates; and the occupying tenant, of course, cannot do it. Under the provisions of this Bill, you will merely substitute one nominal proprietor for another nominal proprietor; and you will not obtain the object in view, which the hon. and learned Gentleman so well designated in the speech made by him on the first occasion of the subject being under discussion in this House, when he called it "a measure for the emancipation of the land of Ireland." There is another observation which I have to make as regards land in this position, namely, that independently of the stamp duty—independently of that hindrance—the effect of those intermediate landlords intervening between the original landlord and the occupying tenant, will preclude that subdivision of the property which all those who are conversant with affairs in Ireland express their opinion to be so desirable. Therefore one of the objects of the Bill, *quoad* those particular properties, cannot be effected. I would press this subject upon the attention of the Government. I trust they will consider, during the recess, whether it may not be a fitting subject for legislation in a future Session of Parliament. I hope, as we must all desire, that the state of affairs in Ireland will undergo a change which will enable them to divert their attention from those matters which at present altogether absorb it, to a subject which, I am sure, will be more congenial to them and every Member of this House—I mean the social regeneration of that country. I admit the difficulties of this question; but I appeal to Her Majesty's Government to entertain it. I know there will be difficulty in dealing with any of those intermediate landlords without raising a considerable ferment amongst some of the parties concerned; but after passing this Bill, I do not think there can exist any difficulty that will be insuperable in dealing with them so as practically to reserve to every one the equivalent for the fair interest in the soil he at present possesses, and at the same time to pay them off in the soil, or in money derived from the soil. I do not apprehend that the difficulty in doing that will be found to be so insuperable as at first sight it may appear. I do not wish to detain the House, or at this period of the Session to say anything that might give rise to anything like a fresh debate, and shall merely, therefore, venture to throw out those two suggestions, and to express my opinion that this Bill, which is a most valuable commencement as regards the emancipation of the land of Ireland, will not be complete. I am sure the hon. Gentleman will admit that the case of intermediate landlords is one not only worthy of, but demanding consideration. Cases of this kind are not isolated nor few, though I think the hon. Gentleman the Member for Newark has considerably exaggerated when he said about one-half of the land of Ireland was so held. However, enough of the land is held in that way to make the matter one of considerable importance. I feel it will be of great importance to the small capitalists of Ireland to consider these suggestions, and that it is most desirable to enable those who for generations have been connected with the land of Ireland (though not as proprietors), and whose only means without those two supplementary measures of investment at present are the Funds of England, or the savings banks, which my right hon. Friend the Chancellor of the Exchequer cannot think have been quite legitimately used as a means of investment in that country—I mean legitimate as regards the extent to which they are used to invest their money in the land of Ireland. The money which is now frequently placed in savings banks might be far better invested in the soil of Ireland; but at the same time, although I express this opinion, I would regret to see the establishment in Ireland of what have been called peasant proprietors. I deprecate, and would give encouragement to no such system; but I think it would be most desirable to enable those persons who have a certain amount of money to invest it in properties of moderate size. In no other way could they more effectively conduce to the real and efficient cultivation of the country. I appeal to my hon. Friend who proposed this clause, to leave the matter in the hands of the Government, with a view to obtain a revision of the stamp duties. To do the thing efficiently, it must be done separately; and I feel confident, even without any assurance from them, that the Government must take it up in another Session of Parliament; though for the satisfaction of my hon. Friend I should wish that some Member of the Government would give such an assurance before the Bill is passed.

Mr. HUME believed, that unless land could be made marketable in small portions, the Bill would not answer its purpose. The question was not one simply of expense.

The first thing required was employment, and employment could not be given without cultivating land which was now waste. A landvaluer had stated that if Government would lessen the expenses, and afford the necessary facilities for the cultivation of waste lands in Ireland, 1,000,000 acres might be brought into cultivation.

Mr. GOULBURN thought the distinction made in favour of the proprietor whose estates were encumbered by the reduction of the stamp duties, while the proprietors whose estates were not encumbered had still to pay the full amount of duty, gave a positive encouragement to encumbrances. To that principle he objected.

The House divided:—Ayes 55; Noes 114: Majority 59.

List of the AYES.

Anderson, A.
Anstey, T. C.
Archdall, Capt.
Bateson, T.
Bolling, W.
Bourke, R. S.
Bowring, Dr.
Bright, J.
Brooke, Sir A. B.
Bunbury, E. H.
Clay, J.
Cobden, R.
Courtenay, Lord
Crawford, W. S.
Dawson, hon. T. S.
Drummond, H.
Duncan, G.
Ewart, W.
Fagan, W.
Fox, R. M.
Gore, W. O.
Greene, J.
Gwyn, H.
Hall, Sir B.
Hamilton, G. A.
Henry, A.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Hume, J.
Jackson, W.
Kershaw, J.
Lennard, T. B.
Lushington, C.
M'Cullagh, W. T.
Mowatt, F.
Norreys, Sir D. J.
O'Brien, Sir L.
O'Connor, F.
Pechell, Capt.
Perfect, R.
Reynolds, J.
Robartes, T. J. A.
Salwey, Col.
Scully, F.
Simeon, J.
Spooner, R.
Talbot, J. H.
Tancred, H. W.
Tennent, R. J.
Thompson, Col.
Thornely, T.
Tyrell, Sir J. T.
Villiers, hon. C.
Williams, J.

TELLERS.
Monsell, W.
Osborne, R.

List of the NOES.

Adair, H. E.
Arkwright, G.
Armstrong, Sir A.
Armstrong, R. B.
Baring, rt. hon. Sir F.
Bellew, R. M.
Benbow, J.
Bentinck, Lord G.
Bernal, R.
Blackall, S. W.
Brockman, E. D.
Brotherton, J.
Brown, W.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Chaplin, W. J.
Charteris, hon. F.
Christopher, R. A.
Christy, S.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Cocks, T. S.
Craig, W. G.
Cubitt, W.
Denison, J. E.
Duncan, Visct.
Dundas, Adm.
Dunne, F. P.
Ebrington, Visct.
Elliot, hon. J. E.
Estcourt, J. B. B.
Ferguson, Sir R. A.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Freestun, Col.
Glyn, G. C.
Goulburn, rt. hon. H.
Grace, O. D. J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Hardcastle, J. A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Henley, J. W.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hogg, Sir J. W.
Howard, H. J. K.
Jones, Capt.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lincoln, Earl of
M'Gregor, J.
Mangles, R. D.
Marshall, W.
Martin, J.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
Norreys, Lord
Ogle, S. C. H.
Owen, Sir J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Pusey, P.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, F. C.
Rutherfurd, A.
Sadlier, J.
Sandars, G.
Sandars, J.
Seymour, Lord
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Somerville, rt. hn. Sir W.
Strickland, Sir G.
Thicknesse, R. A.
Towneley, J.
Townshend, Capt.
Turner, E.
Vane, Lord H.
Walsh, Sir J. B.
Wawn, J. T.
Wellesley, Lord C.
Willcox, B. M.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.

TELLERS.
Tufnell, H.
Hill, Lord M.

Clause rejected.

Bill passed.

PUBLIC WORKS (IRELAND) (No. 2) BILL.

House in Committee on the 1st Clause.

Mr. GOULBURN would take the liberty of adverting to the circumstances with which the Bill dealt. For some years past it had been the practice to make large advances from the Consolidated Fund to public works in Ireland under the engagement that those sums should be repaid by annual instalments; and during the late distress in Ireland, when it became necessary for this country to afford additional assistance, that system was carried to a greater extent, and the Government was invested with the extraordinary power of taking unlimited advances from the Consolidated Fund for the purpose of relieving the distress of Ireland. These sums, let it be observed, were to be repaid into the Consolidated Fund; but the House dealt liberally on the occasion, as it was bound to do with Ireland, and instead of exacting the whole amount, finally determined that 2,500,000*l.* should be repaid by ten annual instalments with interest. Thus stood the engagement; and it was important that an engagement of that sort should not be lightly dispensed with, for there could be no greater check to the liberality of the House in times of necessity than any idea that engagements so entered into would not be observed. The object of the present Bill was to repay out of the Consolidated Fund the first three years' instalments due on account of that loan. In the present state of the finances of the country, the proposal to pay out of the Consolidated Fund a sum of 1,000,000*l.*, which would otherwise be available for the general resources of the empire, was a matter which required very serious consideration. But even putting the subject of the finances out of the question, this was a proposal which ought to be very carefully considered, after the statements which had been made when the Bill was last before the House. They had then been told by the Chancellor of the Exchequer that Ireland was in such a state of distress that she could not bear to repay to the Treasury the money which had been advanced. But yet it was said that any repayments which were made were to be applied, at the discretion of the Treasury, to the completion of those works which had been commenced during the recent period of distress, and were yet unfinished, and which were now found to be public nuisances instead of public advantages. He considered that, if they meant to relieve Ireland from the repayment of the loan, they ought to do so distinctly. If it were true that that country was so burdened with taxation on account of the poor-laws, that the sum required for the repayment of loans could not be raised without impoverishing the people, he would recommend that if any portion of those loans was obtained it should be paid into the Consolidated Fund; and that, if it was intended to complete the public works which had been commenced, the Government should proceed according to the regular Parliamentary course; that they should lay before the House a statement of the work to be done, and an estimate of the sum required for its completion, and then ask for a vote in Committee of Supply. He was strongly opposed to raising sums from an impoverished population in order to place them at the uncontrolled disposal of the Treasury, with regard to the works to which those sums might be applied. They knew how incompetent the Treasury was to undertake the establishment of such works; for it was entirely owing to this incompetence that the works which had been commenced had turned out nuisances instead of advantages. This was the ground of his objection to the Bill, and at a future stage he would take the sense of the House upon the measure.

MR. HUDSON protested against the principle of this Bill, and complained that the Government had not established in Ireland any works of public utility which would be records of the munificence of this country towards the Irish people. The noble Lord the Member for Lynn (Lord G. Bentinck) had submitted a plan to the House some time since, by which that object might have been effected, and the funds would have been usefully applied: but the noble Lord's scheme was opposed and rejected by the right hon. Gentleman who had just addressed the House, and by right hon. Gentlemen opposite. He thought the House ought not to sanction this measure until they had some security that the money would be applied to some defined object which would tend to benefit the people of Ireland.

The CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman opposite (Mr. Goulburn) was not quite correct in one of his assumptions. This money was not to be expended by the Treasury, or by the Board of Works, or by the same officers who formerly misspent the funds. The object of the Bill was to enable the Treasury, through the Board of Works, to lend money to the grand juries in Ireland in order to complete such works as might be presented by the juries—such works being executed by the grand juries, or under their direction. With regard to the money to be spent in arterial drainage, indeed, that must be spent under the Board of Works. With respect to the whole 1,000,000*l.*, no money was to be advanced except that which was previously repaid by the counties; and the object was to enable the Treasury to readvance the first six instalments, to enable the counties to complete the works they thought most desirable. To a great extent the benefit of the works would not be derived till they were fully completed; and in many parts of Ireland there were not the means of completing them. An Act was passed early in this Session to permit the counties to complete them; but in only one or two instances had they been able to avail themselves of it. This would surely be a desirable mode of employing the poor; and in the present state of Ireland it was hardly expedient, or good policy, to refuse such a boon. It was necessary that faith should be kept with this country in regard to repayments, but the last two years had not been ordinary times. It was impossible to detail all the specific purposes of the advances, because no one could tell what counties would apply for the money; many were not anxious to have it; but, surely, so far as the Bill went, we might very fairly extend our liberality to the people of Ireland to enable them to derive the full benefit of the works that were commenced.

Mr. CARDWELL apprehended that this was not a mere question of giving time for the payment of a portion of these advances; but it was proposed by this Bill, that as certain repayments were made, they should not be taken to the place to which, by law, they ought to go, namely, to the Consolidated Fund, but should be placed at the disposal of the Board of Works, subject to the sanction of the Treasury. Now, the mode of voting public money, whether by loan or grant, had long been settled to be, that the Government recommending it should state to the House the specific sum wanted, and the purpose for which it was to be voted. Unfortunately in this matter Parliament had departed from that principle; and what was the consequence? At the end of the Session of 1846, there was a measure for making unlimited advances to Ireland; when Parliament met in 1847, there had been 4,000,000*l.* or 5,000,000*l.* of money gone; would that have been so, if the ordinary form had been gone through, and Parliament consulted before the advances? Were not the Irish landlords remonstrating during all the autumn of 1846 against the manner in which the money was spent? Was there not a universal demand in Ireland for what they called reproductive works, instead of unproductive? If it had been necessary to obtain the consent of the House to the advance of another million when one was spent, and the Irish landlords had made that objection, would those further millions have been expended? Let not the same mistake be made again; let the money repaid go into the Consolidated Fund; and if it were wanted to be readvanced, let an estimate be produced, and an account given of the ground of asking the advance. If the ground were compassion to Ireland in a season of distress, experience warranted the belief that the House would not be slow to listen to the demand; but it would be more satisfactory to Ireland itself that Irish landlords be heard before expending the money.

Committee divided on the question that the clause stand part of the Bill:—Ayes 108; Noes 42: Majority 66.

List of the Ayes.

Adair, H. E.
Adair, R. A. S.
Anson, hon. Col.
Anstey, T. C.
Archdall, Capt.
Armstrong, Sir A.
Armstrong, R. B.
Baring, rt. hn. Sir F. T.
Bateson, T.
Bellew, R. M.
Berkeley, hon. C. F.
Blackall, S. W.
Bourke, R. S.
Bouverie, hon. E. P.
Brooke, Sir A. B.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cavendish, hon. C. C.
Cavendish, W. G.
Clay, Sir W.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Dawson, hon. T. V.
Duncan, G.
Dundas, A.
Dundas, Sir D.
Dunne, F. P.
Ebrington, Visct.
Edwards, H.
Elliot, hon. J. E.
Evans, Sir De L.
Ewart, W.
Fagan, W.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J.W.
Foley, J. H. H.
Fox, R. M.
Freestun, Col.
Frewen, C. H.
Goddard, A. L.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Hallyburton, Lord J. F.
Hamilton, G. A.
Hamilton, J. H.
Hardcastle, J. A.
Hawes, B.
Hayter, W. G.
Headlam, T. E.
Herbert, H. A.
Heywood, J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hood, Sir A.
Howard, hon. C. W. G.
Howard, P. H.
Jones, Capt.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
M'Cullagh, W. T.
Maule, rt. hon. F.
Monsell, W.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
O'Brien, Sir L.
Ogle, S. C. H.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Pilkington, J.
Reynolds, J.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Sadlier, J.
Salwey, Col.
Shelburne, Earl of
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Strickland, Sir G.
Talbot, J. H.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Turner, E.
Watkins, Col.
Wawn, J. T.
Williams, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the Noes.

Arkwright, G.
Baldock, E. H.
Benbow, J.
Bentinck, Lord G.
Boldero, H. G.
Bolling, W.
Bowring, Dr.
Cabbell, B. B.
Cardwell, E.
Carew, W. H. P.
Cavendish, hon. G. H.
Christy, S.
Cocks, T. S.
Coles, H. B.
Dundas, G.
Estcourt, J. B. B.
FitzGerald, W. R. S.
Goulburn, rt. hon. H.
Granby, Marq. of
Gwyn, H.
Henley, J. W.
Herbert, rt. hon. S.
Hodgson, W. N.
Hornby, J.
Hudson, G.
Ker, R.
King, hon. P. J. L.
M'Gregor, J.
Norreys, Sir D. J.
Patten, J. W.
Pigott, F.
Plowden, W. H. C.
Ricardo, O.
Sandars, G.
Sandars, J.
Seymer, H. K.
Sibthorp, Col.
Smith, rt. hon. R. V.
Spooner, R.
Tyrell, Sir J. T.
Urquhart, D.
Willoughby, Sir H.

TELLERS.
Clerk, rt. hon. Sir G.
Stafford, O.

House resumed. Bill to be reported.

House adjourned at a quarter past One.

HOUSE OF LORDS,

Tuesday, July 25, 1848.

Minutes.] *Took the Oaths.*—The Earl Poulett.

Public Bills.—*Reported.*—West India Islands Relief.

3ª and passed:—Registering Births, &c. (Scotland); Marriage (Scotland).

Received the Royal Assent.—Habeas Corpus Suspension (Ireland).

Petitions Presented. From Foreman and Grand Jury of the County of Tyrone, that a Law may be passed for the Suppression of Armed Clubs and Seditious Journals.—From Westminster, and several other Places, in favour of the Public Health Bill.—From Members of several Odd Fellows' Lodges, for the Extension of the Provisions of the Benefit Societies Act to that Order.—From Walls End, against the Sale of Intoxicating Liquors on the Sabbath.—From Ashton, for the Adoption of a System of Secular Education in the County of Lancaster, to be supported by Local Rates.

MARRIAGE (SCOTLAND) BILL.

Lord CAMPBELL moved that the Bill be now read 3ª.

The Earl of HADDINGTON was understood to oppose the Bill, on the ground that it recognised for the first time by statute marriages not solemnised in the face of the Church. No doubt the common law of the country admitted irregular marriages; but the Church had uniformly censured them, and Parliament had never hitherto given its sanction to them. The tendency of the Bill would be to tranfer the celebration of marriages from the Church to the registrar, and it was on this account that the General Assembly of the Church of Scotland had petitioned against it. He protested against forcing a Bill of this sort upon an unwilling country, and hoped that at least it would be postponed till another Session, when the views of those interested in the matter would have been ascertained. He concluded by moving that the Bill be read a third time that day three months.

Lord BROUGHAM hoped the noble Earl would withdraw his Amendment, and allow the Bill to pass; for really, he must say, that a more groundless prejudice than that which had been raised against it he had never known. He considered it to be a most beneficial measure — a measure which would greatly amend the law of Scotland, and lead to an improvement in the social condition of the people. He knew that great ignorance as well as great prejudice existed in regard to this Bill. Indeed, the amount of ignorance which had prevailed in different quarters in reference to it was wholly unexampled in his experience. He was sorry to hear his noble Friend (the Earl of Haddington) say, that the tendency of the present measure would be to do away with marriage as a religious ceremony, and to take the celebration of marriage out of the hands of that exemplary body the Scottish clergy. It would be all very well to make these sort of objections if the law of Scotland in regard to marriage were different from what it was; but let their Lordships only consider what the law really was on that subject at present. It did not require a clergyman of any denomination; it did not require a registrar, or any ceremonial whatever. It merely required a man and a woman of the age of consent—the one being fourteen and the other twelve. By a law taken from oriental climates—by a law taken from Constantinople—any girl of twelve and any boy of fourteen—without going before a clergyman—without going before a registrar or witness of any kind, beyond any postboy or chambermaid that might be at hand, or any peasant they might meet on the highway—for it was not necessary that the parties should go into a house for any purpose —it was not necessary that they should go into a church for any purpose—all that was necessary was, that before any sort of witness the man should say to the woman, "I take you for my wife," and that the woman should say to the man, "I take you for my husband;" and, this being proved, constituted as valid a marriage, under the civil law of Scotland, as any that had ever been celebrated by the Archbishop of Canterbury. Such was the law of Scotland at present: and could anything be more barbarous? No time or space was given for reflection—away they went, and before they could count two on their fingers they were married. The present Bill, on the contrary, required not only that a marriage should be contracted either by solemnisation in presence of a clergyman, or before a registrar; but it also imposed certain restrictions, such as that there should be previous residence in the parish for a certain time, as well as previous notice to, and a certificate from, the registrar. And yet there were parties who said that the tendency of the Bill would be to put an end to marriages by the Church! At present a marriage solemnised by a clergyman was a perfectly valid marriage; it would be an equally valid marriage after this Bill had passed. In that respect there would be no change, So far as any alteration was effected in the existing law, it seemed to him to be a decided improvement. The provision of previous residence was in his opinion a very material improvement. The present measure would prevent the scandal which at present attached to the Scotch marriage law, and which was made the means of evading the English law of marriage. At present Lord Hardwicke's Act was every day evaded by means of the existing Scotch law. He confessed he looked with great satisfaction to the present measure. He had long endeavoured to provide some remedy for the bad state of the Scotch law on this subject; and he thought the present Bill fully met the wants of the case. This Bill, and a little amendment of Lord Hardwicke's Act, would in his opinion, place the marriage law of the two countries on a satisfactory footing.

The DUKE of ARGYLL said, that although, considering the great importance of the subject, and the interests, opinions, and prejudices which would be affected by the Bill now under consideration, he could not help thinking that it would have been a wiser course for Government to have given a little more time for public discussion on it; and although with this view he had the honour of suggesting that the Bill should be referred to a Select Committee, for the purpose of receiving evidence with regard to the practical operation of the existing law; and although he had afterwards supported a Motion which was made by a noble Earl (the Earl of Aberdeen) who was not then present, recommending the postponement of the Bill for another Session; yet, he felt bound to confess that, so far as he could see, if there was to be any change in the law of marriage at all, no Bill could proceed on safer or sounder principles than those upon which the present Bill proceeded. With respect to the opposition which had been offered to this Bill by the Established Church—with respect to the petition which had been presented to their Lordships' House from the General Assembly of the Church of Scotland—he was anxious to say a word. He had not seen the petition, but he thought he had heard it read when it was presented by a noble Lord at an earlier period of the Session; and, if he was not mistaken, the objection of the General Assembly to the Bill was, that for the first time it recognised formally by a statute of the Legislature marriages which were not celebrated *in facie ecclesiæ.* They admitted that the existing law had provided innumerable modes of contracting irregular marriages, not by statute law, but by the common law of Scotland. Their objection then came down to this, that for the first time there was put upon paper and sanctioned by that House that which by judicial decisions had been, from time immemorial, recognised as the common law of Scotland. Now, this Bill did not recognise all the irregular modes of contracting marriage which were admitted under the common law. It recognised marriages which were celebrated *in facie ecclesiæ*, by a clergyman of any denomination, and, beyond this, it recognised marriages by civil contract which were performed before a public functionary—the registrar. It did appear to him that the Bill afforded every possible scope for the contraction of marriages in Scotland. One objection raised to the Bill by a noble Earl (the Earl of Aberdeen) was, that it did away too much with irregular modes of marriage—that it placed too much restriction on the law of mariage; and the noble Earl held, that besides marriages by a clergyman of any denomination, and besides marriages before a registrar, there should be a statutory recognition of some other, although irregular mode, which the present law recognised. Now, no one was more inclined to pay the greatest deference and respect to the opinions of the General Assembly of the Church of Scotland than he was—he only wished their Lordships had paid more deference to those opinions at a time when that body represented a larger portion of the people of Scotland than it did at present, and when its opinions were peculiarly valuable; but he felt bound to say that, considering the objections which the Assembly had brought against the present Bill, and looking to the specific reasons on which those objections were founded, he regarded them as quite untenable. He should, therefore, give his vote for the third reading of the Bill.

Lord CAMPBELL said, it give him sincere pleasure to have the support of the noble Duke on this occasion, and he trusted that that support would have a powerful effect in doing away with the prejudices which at present existed against this great improvement in the law. They had been considering the subject for some years, and he did not think that any advantage could possibly result from further postponement. As to examining witnesses he could not see what information could be laid before them of which they were not already possessed. He appealed to his noble and learned Friends (Lords Brougham and Lyndhurst) whether they had not in the course of their legal experience found the most multiplied evils arising from the existing law? He believed that this Bill would do much to remove these evils; and that, so far from encouraging clandestine marriages, it would put an end to them, as there could in future be no marriage in Scotland except before a clergyman or before a registrar. He regretted very much that the Bill should have been opposed by the clergy of the Church of Scotland. He was himself descended from a minister of that Church, and had always entertained the greatest possible respect and affection for it; but he must say that on this occasion he thought the objections of that body altogether unreasonable. He trusted, however, that upon further consideration those objections would gradually die away, and that the Bill would be received by the people of Scotland in the manner it deserved to be received, as a great improvement in their social condition.

Lord BROUGHAM expressed his astonishment to find the clergy of the Church of Scotland objecting to the Bill, as recognising marriage by civil contract for the first time, in the face of the notorious fact that it had been so recognised by the Judges of England for the last sixty or seventy years, and uniformly so by the Judges of Scotland.

The Earl of HADDINGTON assured their Lordships that he was by no means attached to the present system of irregular marriages, nor unfavourable to any well-considered measure of reform which should have the sanction of the Church and those whose opinions were entitled to weight on the subject; but he did not consider the present to be a measure of that description. He begged to say that his noble and learned Friend (Lord Brougham) had mis-stated the objection of the Church of Scotland. That objection was not that marriage would be recognised for the first time as a civil contract, but that this would be its first recognition by statute. Seeing the feeling of the House, however, he would not press his Amendment.

Bill read 3^a and passed.

PRIVILEGE.

Lord MONTEAGLE said, that he wished to call their Lordships' attention to a matter connected with the maintenance of their Lordships' privileges, arising out of a Railway Bill now pending before their Lordships' House. Certain suitors under the Bill had applied to the Vice-Chancellor of England to obtain an injunction to restrain certain other parties from appearing as petitioners against them before their Lordships' House. With respect to the probable result he had nothing to do. What he wished to call attention to was the fact that the application for such an injunction was unjustifiable, as being an attempt to prevent a subject from appearing before their Lordships in the character of a petitioner. A more flagrant violation of the liberty of the subject or of their Lordships' power of legislation was never before attempted. He should make no Motion upon the subject at present, but merely beg leave to lay the petition upon the table of the House.

The LORD CHANCELLOR said, that it was a constant practice of the Court of Chancery to interfere by injunction with the proceedings of parties in the other courts of Westminster Hall, and those courts never took offence at such interference. His noble Friend had not stated any of the facts of the case upon which the whole value of the question might really turn. There might be contracts existing between the parties whereby they might be bound not to oppose the Bill; and in such a case an injunction might very properly be applied for to enforce the performance of the contract. The matter lay entirely between the parties themselves, and did not in any manner affect their Lordships' power of legislation.

RAILROAD AND STEAM PACKET COMPANIES.

On the Motion for the Third Reading of the London and South Western Railway Company's Acts Amendment (Extension, Deviation, and New Works) Bill,

The EARL of HARROWBY objected to the principle involved in the Bill, of empowering a railway company to establish steam packets, and he moved the omission of certain words in the preamble for the purpose of restricting the railway company to its proper province.

The DUKE of WELLINGTON was one of those who felt that, certain rules having been laid down by their Lordships for the guidance of their conduct in matters of this description, they were called on to pay the utmost respect to the report and decision of the Committee in the present instance; and most undoubtedly he should be inclined to pay the utmost respect to the Committee on this particular Bill. But he conceived their Lordships' principle was to pay the utmost respect to the decision of a Committee upon matters of which the object was to promote that which was essential to the working out of the enterprise, whether it were the South Western Railway or any other work. Making a railroad to Southampton, or making any other railroad, was the object; but what had the question with respect to the railroad to do with the construction of steamboats? The construction of steamboats had no relation to the question with respect to that railroad. He begged their Lordships not to be bound by any general feelings of the propriety of giving support to the decision of a Committee of their Lordships' House, when that decision was upon a point not at all within the scope or province of that which it was given the Committee to consider, namely, the construction of a railroad. This was beyond the railroad altogether. He knew one instance already of inconvenience from railroads interfering with harbours, and getting possession of a harbour and steamboats. Under these circumstances, he recommended their Lordships to adopt the Amendment of his noble Friend.

EARL ST. GERMANS explained the reasons which had induced the Committee to recommend the adoption of the clause. He thought the objections ought to have been made on the second reading of the Bill, and not have been reserved till the present advanced stage, and after the whole measure had been referred to the consideration of the Committee. The Committee had given its decision upon public grounds alone, and not from any desire to confer peculiar advantages upon the company. It was considered that the concession of the power involved in the clause afforded the best means of securing safe and expeditious communication with the Continent.

LORD MONTEAGLE supported the Amendment. He would appeal to their Lordships' experience if there was not a disposition on the part of railroad companies first to get their terminus at a port, then to get possession of the harbour, and next to commence as steamboat proprietors? If the clause now in question was sanctioned, there would be a steamboat monopoly in the hands of the railway company at the port of Southampton.

The MARQUESS of WESTMINSTER would oppose the Amendment, because he thought the public interest would be best promoted by the Bill as it stood. There was no company so capable of carrying on the communication between this country and the Channel Islands and Havre as this company was; and if the power of establishing that communication was withdrawn, the interests of the country would suffer.

The EARL of MINTO suggested to the noble Earl the propriety of postponing the further consideration of the subject till another day. He was not disposed to enter upon the question now; but, if compelled to give an opinion, he must say that he very much coincided with that given by the noble Duke.

LORD BEAUMONT said, he was decidedly in favour of the Bill as it stood. Their Lordships should recollect that a powerful railway proprietary like this could easily find means to carry out their object by the establishment of a steamboat company composed of the same parties as the railway company, if they were not allowed to accomplish it under this Bill.

After some further conversation,
Debate adjourned.
House adjourned.

HOUSE OF COMMONS,

Tuesday, July 25, 1848.

MINUTES.] PUBLIC BILLS.—*Reported.*—Public Works (Ireland) (No. 2); Farmers' Estates Society (Ireland).

Petitions Presented. By Mr. Hume, from William Greig, of South Lodge, Clapham Common, for Including Newcastle in the Corrupt Practices at Elections Bill.—By Sir Edward Colebrooke, from Taunton, Somerset, for the Adoption of Universal Suffrage.—By Lord R. Grosvenor, for Promoting Colonisation.—By Sir William Molesworth, from the Inhabitants of Singleton, New South Wales, for a Reform in the Government of that Colony.—By Mr. Scott, from Merchants, and Others, interested in the Commerce of Sidney, complaining of Abuses existing in the Vice-Admiralty Courts (New South Wales).—By Sir John Walsh, from the Town of Presteign, Radnorshire, for Reduction of Mileage Duty on Stage Coaches.—By Viscount Ebrington, from the Board of Guardians of the Stafford Union, for an Alteration of the Poor Law.—By Mr. Scott, from Guardians of the Morpeth Poor Law Union, in favour of Free Emigration.—By Mr. Bright, from Officers employed in several Unions, in England and Wales, in favour of a Superannuation Fund for Poor Law Officers.—By Lord George Bentinck, from the Board of Guardians of the Mansfield Union, Nottingham, for an Alteration of the Poor Law Union Charges Bill.—By Mr. Henry Herbert, from Inhabitants of Kerry, for Inquiry into the State of the Savings Banks (Ireland).—From the Borough of New Windsor, in favour of the Windsor Castle and Town Approaches and Improvement Bill.

POOR LAW UNION CHARGES (No. 2) BILL.

Mr. C. BULLER, on moving the Second Reading, said: As the House was good enough to allow me, at a very late hour of the night, some weeks ago, to bring in this Bill without any explanation, and as the Bill is one of considerable importance to the poor-law unions throughout the country, and in regard to the general administration of the poor-law, I think it would not be fair for me to allow the discussion on the second reading of the Bill to take its course without at the commencement attempting to discharge that duty which I ought to have undertaken when I brought in the Bill. I must begin by saying that it is no anxiety for legislation at this period of the Session that has induced me to bring in four Bills on the subject of the poor-law. I should have felt rather proud if, having devoted myself with due activity to my duties as the head of the poor-law department, I could have referred, at the close of the Session, to proofs that the existing laws were sufficient to carry out the objects of the Legislature for which that department was instituted. I should have thought it perfectly unjustifiable, with only half a year's experience in my present office, for me to have undertaken any large change, on speculative grounds, in the law which I had to administer; and I trust the House will believe that it is only under the pressure of an absolute and urgent necessity that I now call its attention to the subject which I am about more particularly to introduce, with an endeavour to secure its assent to a change of considerable importance. But the House will see, from the statement which I shall make, that it would be impossible for me, with any due regard to my duty, to avoid bringing this matter before Parliament. In the first place, a very important Act, passed last Session, expires in October next. It would be most unbecoming to allow that Act to expire by mere lapse of time without making any provision for those objects which that Act was unanimously passed last year to carry into effect. I am speaking of Mr. Bodkin's Bill in regard to the removal of the poor. The House will recollect that in the year 1846 a very important change was made in the law affecting the removal of the poor—a change which I think was founded on sound policy and with a due regard to the best interests of the poor. It is undeniable that the effect of that Bill has caused a very great shifting of the burdens on the ratepayers. It was contemplated at the time, and the Bill was passed with the intention of making the burden more equal. The effect of it was to cast the burden from one parish to another, so that the charge might fall on those who ought to bear it. At the same time, that increase of burden in some places was not borne very patiently, and last Session a feeling exhibited itself among a large number of Members against the operation of the Poor Removal Act. The matter was referred to the Committee of which I had the honour to be Chairman. We discussed the matter at considerable length. The opinion of the Committee was decidedly against interfering with the principle of that law; at the same time we admitted that there was justice in some of the complaints made against it. The Committee was generally sensible of the very heavy burden which had very suddenly been thrown on particular parishes, and could not forget that when the Legislature made that change it might have been a wiser course to have thrown the burden on a larger area than that of a parish; and as it was an instance of an entirely new burden, we considered that the Legislature should have guarded against creating a pressure upon particular localities. Under that impression a Member of that Committee, whose absence from this House I regret on many accounts, was induced, at the end of the Session, to introduce a Bill which was passed into a law, by which the charge for the persons made irremovable under the Act of 1846 was extended from the parish to the union, and made part of the common establishment charges of the union. Now, it is my intention to propose that the principle of that Act shall be continued, and that the irremoveable paupers shall henceforth, as they have been during the last year, be a charge, not upon the parish, but upon the whole union. Another subject of very great importance has been forced upon my attention since I have been in office. Almost every Gentleman must have heard the complaints that have been made throughout the whole country on the subject of vagrancy; so that I doubt not I shall find a ready acquiescence in the proposition that it is impossible to leave the law of vagrancy upon the footing on which it now stands. I have promised many hon. Gentlemen, whose forbearance towards me I now beg gratefully to acknowledge, that I would not allow the Session to pass without detailing to the House the whole scheme which I had prepared for the purpose of remedying this great evil. But perhaps the House will extend their indulgence to me a few days more, when I tell them that I have prepared a circular letter to the poor-law guardians, by which I hope some stop may be put to that evil. I repeat what I have formerly said, that I don't think it is an evil which can be remedied by an Act of Parliament. I do not think that the principle of relieving vagrancy, as far as it is laid down by law, can be altered for the better, or that its efficacy can be increased. I think that the law is strong enough. What, in my opinion, is wanted, is a different spirit in the administration of the law; and, above all, a different spirit on the part of those who are charged with the enforcement of the law. The whole system of vagrancy having become so intolerable an evil, and so great a scandal to the country, has been very much the result of an injudicious administration of the law for the last seven or eight years. I think no other exposition of the law could be given than that which was given seven or eight years ago. But, the law having been expounded in that way, it has unfortunately created a tendency to a great deal too much laxity in its administration. My opinion is, that while the general right of the vagrant to demand relief remains as it is, it is impossible to remedy the evil by any minor alteration of the law. But I do think that a great and sensible alteration in the extent of the evil may be made by a wiser and more discriminating course in the administration of the laws. It has been my object to induce the officers of the different unions to administer the law with proper spirit and discrimination—taking upon themselves the responsibility of refusing relief where undoubtedly it ought not to be given. I have assured them that if they will administer the law in a discriminating and honest spirit, I will take upon myself the responsibility of whatever they may do that shall tend to prevent the increase of so monstrous and formidable an evil. I will lay a copy of my circular letter before the House. There is one question respecting vagrancy which has been forced upon my attention from all parts of the country, and with respect to which it is necessary to make an alteration in the law—I refer to the incidental charge of vagrancy. That charge is now thrown upon the parish in which the vagrants apply for relief. In 99 cases out of 100 the applications are made in the single parish in which the workhouse is situated, or in which the relieving officer happens to live. I have received loud complaints against this portion of the working of the poor-law. The ratepayers on whom these applications are made say it is by no act of theirs that the workhouse happens to be in their parish; it is by the act of the union; neither is it by any act of theirs that the relieving officer has his residence in their parish; he is employed and appointed by the union. It generally happens that the relieving officer lives in the principal town or village of the union for general convenience, and yet the whole charge of vagrancy is thrown upon that one parish. I need not attempt to impress upon the House what an extraordinary expense this must entail upon that particular parish. It is astonishing the number of shifts that are resorted to by the different parishes to relieve themselves of these burdens, and to throw them upon their neighbours. All the arts and contrivances of a regular warfare are easily and speedily acquired and put in motion. In one town in the west of England it was found extremely inconvenient by one parish to have these applications made upon them by vagrants. The relieving officer resided in that parish. It was therefore arranged that he should be provided with a house rent-free. They got him a house, but it was on the other side of the street, and in a neighbouring parish. The relieving officer went to his new domicile, and he instantly transferred to the new parish the whole burden of the vagrants. This expense is a very severe charge upon the particular parish, and a very unjust charge. But there is another great evil, and that is that the whole administration of the poor-law is now in the hands of the board of guardians. It is they who appoint the officers and regulate the mode in which relief is to be given. But the board of guardians, as a board of guardians, has no interest in preventing vagrancy—it all falls on the parish. But the parish cannot appoint the officers, nor can they improve the present system that regulates vagrancy; the result therefore, has been very severe to individual parishes, particularly in the north of England, where the evil is very much felt, and where the ratepayers are willing to go to any expense to suppress vagrancy. But, with all their willingness, they have felt themselves unable to do it, because, at the union board, they have been outvoted by the guardians who represented parishes that are not at all interested in putting an end to vagrancy. I think, therefore, that upon these two grounds—first, the injustice of the burden, and, secondly, the necessity of imposing the administration of the law on the shoulders of those who alone have the power of putting down vagrancy—it is absolutely necessary that the charge of vagrancy should be made a union charge. The question then arises as to the mode of assessing that charge. The charge in each parish was made a part of the establishment charge. Now, hon. Gentlemen are aware of the mode in which the different parishes make their contributions to the establishment charge of the union. They are made without any reference to the amount of the rateable property in the parish, but entirely in reference to the average of its past expenditure. At the period of passing the new poor-law it was settled that the expenses of certain establishments should be borne by the different parishes of a union in common; and it was settled that those establishment charges should be contributed to in proportion to the expenditure on the poor and the sick in each parish, on the average of the three years immediately preceding the passing of the law. The average so taken is called the average of the parish. According to the proportion of that amount each parish contributes to the establishment charges of the union. Now, it does appear to me that to throw the charge of irremovable paupers and labourers into the calculation of these proportions, is quite contrary to the principles of justice. The principle upon which the establishment charges are placed on the averages is this—that when a workhouse was built and officers were appointed for the relief of the poor of a union, it was but fair that each parish of that union should contribute to the expense in proportion to the number of paupers which it brought as inmates of the workhouse, or which were subject to the care and superintendence of the officers. But the charges for irremovable paupers and for vagrants have nothing to do with the proportion of the pauperism of each parish. Suppose, for instance, parish A has been exceedingly well managed—its pauperism very small, and its average consequently very little—then suppose parish B to be ill-managed, or by some unfortunate circumstance its pauperism to be very great, its charge for relief very heavy, and its average very high, and consequently its contribution to the establishment charges twice or three times the amount of parish A. Now, all the relative rates imposed on account of the establishment charges on these two parishes are on a scale of strict justice. But when a heavy charge for vagrancy falls on a third parish—parish C—or when a heavy charge on account of persons who have become irremovable in parish C are thrown upon the union altogether, what equity is there then in this proportion of the establishment charges? It is fair to call upon me to contribute twice as much to those charges if my pauperism requires twice as much help from the establishments; but it is perfectly unfair to say that for that reason I am to be charged twice as much, because my parish has all the vagrancy of the three parishes—a matter with which I have nothing on earth to do. Upon the parish which is already heavily burdened, you place a double charge for the expenses of the union establishments; while the parish the burdens of which are comparatively light, you hardly charge at all. I have, accordingly, found that this part of the Bill has given rise to a good deal of complaint. But this point is so well stated in a paper which I have received from a gentleman whose merits are acknowledged by all who know him, and who, I believe, is well known to you, Sir—I mean Mr. Hawley, who was formerly a magistrate in Hampshire or Surrey, and who has been for some years a poor-law inspector in the north of England—that I cannot do better than read it to the House. That gentleman says—

> "As the Act 10 and 11 Victoria, cap. 110, will expire on the 1st of October next, when the charge for the relief to the irremovable poor will be again thrown on the parishes of their residence, the Legislature, when that time arrives, would no doubt consider it expedient to renew its provisions, in the absence of any intention of introducing the Bill now under consideration. Of the justice and policy of that Act there can be no doubt—the dissatisfaction created by the retrospective effect of the 9th and 10th Victoria, cap. 66, created universal dissatisfaction in all the larger towns in the country, which was only allayed by distributing the burden which it had imposed on individual parishes over the whole union, and fixing the charge on the establishment; the relief thus afforded to the parties most aggrieved has not, however, given general satisfaction, and the ratepayers in the largest and most pauperised parishes, where the averages have been increased by bad management and profuse expenditure, object that they are unfairly called upon to bear a disproportionate share of a charge for paupers belonging to parishes with which they have no connexion, and in a mode which inflicts a species of penalty for internal mismanagement by means of a foreign impost. It is, indeed, evident that the levying of contributions from the union fund, in such cases, upon the principle by which that fund is now created, is a grievous evil to the contributors, and some modification of the existing mode of raising it would probably have been demanded in the event of the revival of the Act above referred to in its present shape. The plan proposed by your Bill for the remedy of the evil appears calculated to give general satisfaction; and no method for creating a union fund for the payment of this charge, as well as for that for the relief of vagrants, can be better devised than that of an uniform union contribution, assessed, not in reference to past payments, but on the rateable value of every parish."

Upon these grounds I propose that a union fund, for the support of these vagrants, should be raised by equal contributions from the rateable property of the union. This change, which I think is absolutely called for by justice, with respect to vagrants, will establish for the first time a uniform union rate. It will be a great inconvenience if there are two principles of contribution to a common fund in the union—one on the principle of a uniform and equal rate of assessment, and the other upon the old system of averages. That, however, would not decide the question whether, upon a fair consideration of the subject, the establishment charges ought to be maintained upon their present footing? The next question to consider is, whether two kinds of union rating ought to be kept up—one upon an equal assessment of property; the other upon the old system of averages—or whether, once for all, all union charges should be put upon a uniform system. When the Poor Law Bill was passed it was impossible to frame the rating upon any other system than that adopted. To have done so would have been too great an interference with property, and would have cast upon the union the burdens which were caused solely by the mismanagement of particular parishes. But does justice require that the present system should be maintained after fifteen years' experience of union government? The question is very different, considered with regard to the period when the poor-law was introduced, and the present time. At the former period whatever evils and burdens existed, had grown up under parochial management; and it might fairly be said to different parishes, that undue burdens which might have accrued under their administration should not be thrown upon the general fund. But how stands the case now? The administration of the poor-law has been taken out of the hands of the parishes. The ratepayers and the parish officers have nothing to do with the administration of the law; it has been in the hands of the union officers; and now particular parishes can no longer be considered altogether responsible for the whole of the burdens which they may bring upon the union. Besides, the establishment charges are not of such a nature that they ought to be thrown upon particular parishes in proportion to their paupers respectively? They are of two kinds. The first is the expense of building the workhouse and maintaining it; the second is the salaries of the officers. The expense for the building of workhouses is for the most part at an end—the outlay is already made. Nevertheless, wherever there are the remains of such an outlay, I provide for it in the Bill by a section enacting that every parish shall pay its share of any debt still due for the building of a workhouse. As regards the second establishment charge, the salaries of officers, can it be maintained that the services of these officers are required in proportion to the pauperism existing in each parish? I think not. Take, for instance, the clerk to the guardians; his duties are with the guardians in respect to all the parishes alike, such as the general correspondence with the Poor Law Board, the attendance on meetings of boards of guardians, making out returns to Parliament—all these matters have reference to unpauperised as well as pauperised parishes, and are services to the union generally, and not to particular parishes. Take another class of officers—the medical officers. Practically, what has medical relief in this country come to be? Can it be said to be a mere poor-law charge? I think not. I believe that the general system of the administration of medical relief has got very much to be a system of relief by parishes to the working classes of the country, and that it will not be found in many parishes that the honest and independent workman who has suffered from long and severe illness is able to pay for medical attendance out of his own means; on the contrary, generally he has to apply to the parish for medical relief. In that case this item of expense affects the unpauperised equally with the pauperised parishes. It seems, therefore, that the medical charge is one which ought not to be in proportion to the number of paupers in a parish. One charge, obviously parochial, is the salary of the master of the workhouse. Now, on what principle do Gentlemen regard the workhouse? As a test of pauperism? Do they think that a person seeking parish relief is deterred from it by going into the workhouse? It appears to me that an ununpauperised parish derives more benefit from the existence of a workhouse than the pauperised parish itself. In fact, a line cannot be drawn as to the amount of services rendered by the different officers in the different parishes; and in fairness and policy the charge of their salaries ought to be borne by the union generally: every parish in the union and every ratepayer in each parish contributing, not according to the burdens upon each particular parish, but in proportion to property and the amount of means he had to bear the general burden with. This would be an important step towards putting an end to the system of averages, under which have grown up the most intolerable frauds. Unfortunately, in the administration of the poor-law, reduction in charges has not always been obtained by very legitimate means. Last Session a good deal was heard about an abuse which prevails widely over England, and is one of those intolerable grievances which, if allowed to go on, will bring the whole system of the relief of the poor about our ears. I allude to the system of clearing parishes, in cases in which one person is the proprietor of the whole, or nearly the whole, of a parish, and in which, instead of legitimate means being taken for the relief of the poor, or endeavours being made, by giving them employment or otherwise, to lessen the burden of paupers, the shorter and simpler method is adopted of shifting them to other places; and, by allowing cottages to fall down, or by pulling them down, to drive them into parishes where property is more divided. This evil has agitated the country, caused complaints against the whole system of the present law, and given rise to demands for changes so large and extensive as materially to interfere with the effectual administration of the law. Anything tending to this evil must be put a stop to. In truth, the whole system of averages is one of fraudulent squabbling. In some places the whole burden is sought to be shifted upon others. In other parishes they made private rates; two or three occupiers agreeing that they should support the paupers without letting them go into the workhouse, and levying private rates for that purpose. Under this system great frauds are perpetrated, and the averages unduly diminished. The Poor Law Commissioners have struggled against these frauds, by directing an assistant commissioner to take all these private rates into account. I have also discouraged them as much as possible, and I would rather put the law on a different footing altogether, than allow the evils to be remedied according to the equitable notions of any irresponsible gentlemen whose equity might degenerate into caprice. These are the grounds upon which I propose to make the third change contained in this Bill, and to place the establishment charges, as well as the other charges, on a common footing, and to raise a common union fund by a general union rate, apportioned on the property of the whole of the union. The difficulty with those who wished to establish this union rate had been the great want of uniformity in the present assessment of property to the poor-rate; and when the question was before started this was put forward as an insuperable objection. If property in one parish be assessed at a rack-rent, and property in another parish at only half its value, it is obvious that the one escapes its legitimate burden. [An Hon. MEMBER: That would be contrary to the Parochial Assessment Act.] But there are difficulties in the way of enforcing that Act, and in many instances it has not been acted upon. It would not be doing justice to ground the rate upon the parochial assessments. In the Bill I first brought in, I endeavoured to guard against this evil by allowing each union to form its own rate; and I did so under the impression, from all that had passed in the Committee, and all that I had heard from other quarters, that there was no other general contribution on which parochial property was fairly assessed. I have, however, made some inquiries as to whether the present assessment for the county rate might be made the basis of uniform union rating, and have received some information on the subject from the reports of inspectors whom I desired to inquire in what counties there had been a recent valuation made under the County Rates Act; in what counties such an one had been actually ordered, or was in progress; and whether a rate of such standing had been modified in such a manner as to give general satisfaction. I do not insist upon the positive accuracy of this information; but I find there are only four counties in England, and six in Wales, in which a proper county rate does not exist, or is not in process of being made. The English counties are Buckinghamshire, Shropshire, Suffolk, and Westmoreland. Of the first two I am not sure; and in fact the only county of which I am very sure is that unhappy and benighted county, Suffolk. But even there the straw was beginning to move, and the country gentlemen had discussed the subject at their quarter-sessions, and the effect of certain charges thrown upon the county rates had been to compel them to think of forming a new, just, and satisfactory valuation. My wish is to elicit from Gentlemen whether they can impugn the probability of the county rate being a satisfactory basis for the union rate. I propose by this Bill, as a general principle, that the union charges should be based upon the valuation of each parish in the union to the county rate; and I propose to establish an uniform union rate, upon which these three charges shall be thrown — establishment charges, vagrants, and irremovables. Questions of details will be more advantageously discussed in Committee; but I wish to call the attention of the House to the 5th Clause, concerning which there has been some excitement. I beg the House to observe that this clause is purely an exceptional one, which has been suggested as a means of putting an end to a mischievous doubt that existed as to the effect of the Poor Removal Act. The clause is merely declaratory, and explains the law as it now stands. It has been suggested, however, that it would have a particular effect in the case of Irish vagrants, which I do not contemplate. But if hon. Gentlemen will leave this clause entirely out of their consideration while discussing the Bill, I shall be prepared in Committee to meet objections to this particular clause, either by modification or the introduction of other clauses. The clause, however, is not necessarily involved in the principle of the Bill, which can be discussed without reference to it. But, besides this objection in detail, I anticipate a grave objection to the principle and object of the Bill. It will be said that this measure cannot be discussed without looking to the general question of substituting union rates for parish rates. It will be contended that I have admitted the principle of union rates; and, to quote language which has been used to me in private, that I have let in the small end of the wedge. But if sentiments such as that were to prevail in these days, we should be likely to bring all our old institutions about our ears. If the reasons I have stated justify the principle of union rating to the extent to which I propose to carry it, the House should not be deterred from doing what is right on a practical question by the fear that the principle might be carrried too far, and applied to cases to which it ought not to be applied. Those Gentlemen who resist the application of a good and just principle, fairly admissible in a particular case, because they dread ulterior consequences, are very likely to raise up a feeling in the community which will lead to that very principle being rashly and too hastily applied. When those who so much fear to let in the small end of the wedge succeed in resisting it, the result generally is that the wedge was often forced in butt-end foremost. By what I am about to say I fear that I shall lower myself in the opinion of many enlightended reformers in this country. [HABEAS CORPUS (IRELAND) SUSPENSION BILL.—*The right hon. Gentleman was here interrupted by the Usher of the Black Rod, who summoned the House to the House of Lords, to hear the Royal Assent given to the above Bill. On the House returning, the right hon. Gentleman resumed.*] I fear that after this short respite I must continue the humiliating confession which I was about to make when I was cut short by the Usher of the Black Rod. I should willingly avail myself of any opportunity to avoid making such a confession, but I fear I cannot. I fear, then, I shall lower myself in the opinion of many good practical reformers by admitting that I have not yet become a convert to the doctrine that it would be advisable to substitute union or any other system of chargeability upon a larger area for the old system of parochial chargeability. No doubt the opinions I had formed on this point were somewhat shaken at the period of the inquiry before the Committee on the Law of Settlement last year; but, great as some thought were the evils of the present system, I confess I was not prepared to encounter what I believe to be the great risk of substituting union for parochial chargeability to the poor. It appears to me to be of the greatest moment in the administration of the poor-law to render the condition of the poor in every part of England peculiarly a matter of interest, as well as a matter of feeling, to those who by property or by vicinity have influence over that condition of the poor; and I should be very loth to assist in any change which would at once deprive the proprietors and occupiers of estates in parishes of that interest they now have in upholding the condition of the poor. I admit all the evils so forcibly brought before the House by the evidence taken by the Committee on the Law of Settlement. I think the present law of settlement and power of removal of the poor involve great hardship; I trust that a long time will not elapse without Parliament relieving the poor from that great evil; and I feel confident that Parliament will be able to remove it. But, I still believe that that change, so bettering the condition of the poor, may be made without interference with the general principle that the charge of the resident poor should be thrown upon the particular parish in which they have resided for a length of time. But at the same time, whilst I approve of the principle of parochial rating, I do not mean to say that I can contend with a growing feeling against it, entertained by men of great practical good sense in this House and in the country most interested in a proper system of rating, who are friendly to an extension of the area of chargeability; I cannot struggle against such a feeling unless I could succeed in putting the law of parochial chargeability upon a just and satisfactory footing. It is not enough to say that we dislike union rating, or national rating, or any other mode of rating; we cannot disguise from ourselves that there is a general feeling amongst boards of guardians and through the country—except in the large towns, and in the open and populous parts of the country —in favour of union rating; that there is a desire to remedy the evil of the present system, which is charged with so much injustice and cruelty, by extending the area of chargeability, and I think you cannot uphold the principle of parochial chargeability unless you modify it so as to reach the evil, and satisfy the just claims of the country. I have thought it to be my duty to read every thing which appears in every country newspaper I can get hold of which has any relation to the general state of feeling with regard to the administration of the poor-law; and I have found that there is a very strong and prevalent feeling, and a general opinion throughout the country, that there is a great objection to the existing area of rating. There is a very wide opinion prevailing in favour of a union rating, and there is a growing opinion, I regret to say, in favour of what appears to me a dangerous and impracticable scheme, namely, a national rating. I admit that, upon abstract principles of justice, a national rate may be defended; but you cannot attempt to carry such a principle into effect without opening a door to serious evils; without doing one of two things—either you must allow every board of guardians to dip its hands into the pockets of the country, careless of the amount of charge, knowing that the Consolidated Fund would be able to pay; or you must do away with all local control over the funds, and let the national rate be administered by national administrators alone. I trust that these considerations will induce Parliament to resist a national rate. I cannot disguise from myself that there is a very great and popular agitation going on in the country for the purpose of inducing Parliament te adopt a national rating. I am sorry to say, that in many country gentlemen and farmers I have found a fatal tendency to favour a chargeability which I consider national. Upon these grounds, I propose to the House to adopt a modified system of union rating. I do not want to abandon the principle of parochial chargeability; but if you wish to uphold the principle, there should be the means of throwing the charge over as large an area as the union, where, upon principles of justice and policy, the charge should be borne by all parts of the union. Another part of the Bill relates to extra-parochial places charged with the support of the poor. I cannot help thinking that abuses have arisen from this cause; and, at all events, it appears to be a matter of complaint throughout the country. In some of these extra-parochial places—such as cathedral closes and small farms—the number of paupers may be small; but where half a parish, as in Leicester, inhabited by knitters, is extra-parochial, a number of these men, when out of work, will walk over the boundary into the adjoining parish, which will be encumbered with them. I wish to make these extra-parochial places chargeable for their own poor, unless the ratepayers prefer to be joined to a parish. I trust the House will consent to the second reading of this Bill; and I think the principles of the Bill will receive the general assent of the country. I move that this Bill be read a second time.

MR. HENLEY was sure the House would share with him in the feelings of thankfulness they owed to the right hon. Gentleman for the clear and lucid manner in which he had gone through the whole of this difficult, complex, and intricate subject, and the frankness with which, it appeared to him, he had stated his views and that of the Government, upon a subject which was at once difficult, and interesting to all persons in the community. He could not, however, agree altogether in some of the principles which the right hon. Gentleman had laid down, and he would point out what seemed to him some inconsistency in those principles; but if he differed from the right hon. Gentleman in the result which he thought his measure had a tendency to produce, it was not from disrespect to his judgment. He (Mr. Henley) perfectly concurred with the right hon. Gentleman in thinking that a greater principle than the mere question of pecuniary interest was involved in this subject. If they looked to the proceedings of the last fourteen years they would perceive the effects of the parochial system, from which he had never been able to see any possible reason for departing, unless we adopted a national rate. He was a member of the Committee which sat last year with respect to this subject, and his views were based upon what he had heard in evidence before that Committee. The burden of the support of the poor was thrown upon some descriptions of property with an inequality which was very considerable, and showed the absolute necessity of a proper assessment. Why should not one description of property be as heavily taxed as another for the relief of the poor? It was, in his opinion, very difficult to say why a coal mine should be taxed, and a lead mine exempted. The right hon. Gentleman had attempted to generalise the question, but he had produced no argument to show that a wider area ought to be adopted with regard to assessment; and it therefore did not appear why a pauper, who resided in parish A, should be supported by parish B. This was a measure of a most important character, and one which could not possibly be remedied by tinkering and tampering constantly with it. The right hon. Gentleman, in dealing with extra-parochial property, had exemption in the inns of court. Why so? They had several servants to attend upon them, and provide for their luxuries; but those servants generally lived in other parishes, so that the mode of treating them approached pretty nearly to the clearance system. Upon what principle, then, was it that the right hon. Gentleman could exclude the inns of court, and heavily tax other possessors of property? He did not see any reason why one species of extra-parochial property should be treated differently from another. The old system had been objected to, and it had its faults; but the new system appeared to work well for some time, as "a new broom sweeps clean." However, it soon appeared, that when destitution of a certain description was complained of, and when numbers of destitute persons were found going about the country, and when the newspapers complaining of it made the circumstances more generally known, a different mode of treatment was adopted for town and country. A great increase of vagrancy had taken place after the passing of the Act, to which he had alluded. Now, vagrants deserved a very peculiar treatment in matters of legislation and police, for there were many causes in operation which would tend to cause the practice of vagrancy, and induce persons to adopt it as a profession; and, on the other hand, deserving and suffering persons might become vagrants under the pressure of distress. One class of vagrants learned at tramp-houses all the arrangements which regulated the workhouses, and they went out to beg with this feeling, that if they did not obtain money enough for the day, they had a refuge in the workhouse. Many of the cases of distress were simulated, but many were real, for there was unfortunately a great deal of real distress abroad. The worst feature in the simulated distress was, that it was the poor who suffered from it, for they were more disposed to relieve the distresses of the poor than the wealthy. They were near distress, and pitied it; whilst the wealthy, being better informed, were more cautious and chary in the disposal of their relief. The present system of relief by relieving officers had this defect in the rural districts, namely, that the officers had such distances to travel, that they frequently arrived at the place in the evening where the poor were awaiting relief, and being jaded and tired from their day's occupation, they did not pay sufficient attention to the claims of the applicants. He thought that the decision upon the applications for distress ought to be more a matter of police than at present. There was another very important subject which he would direct the attention of the authorities to, and that was the fact that the mode of instructing the officers of the workhouses in the discharge of their duties was not judicious. However feeling a man might be, he might become case-hardened by practice and custom, and the effects of that should be carefully guarded against. It was far easier to deal with cases one by one than when they were met with in large numbers. At present the vagrant could go from one workhouse to another; and he thought that the charge ought to be thrown on a larger area as regarded vagrants. He would furnish an example of his view in this respect. We stopped crime at the public expense, and though vagrancy was not crime, it was akin to it in its relation to public expenditure. If a man were to go from Liverpool to London, and on the way should require public relief, why should one parish afford that any more than another? Why should the relief not be afforded from a general public fund? There was one peculiarity about the centralised system, for it broke down the desire which the parishes formerly had to prevent expenditure; whereas formerly they felt how directly they suffered from the expenditure for the relief of the poor. It ought to be recollected that the present system had broken through a system which had been in force and operation for 300 years. He would remind the House again of the inequality of obliging a man with 100*l.* a year to pay 25*l.*, whilst a man with a similar sum in the funds paid nothing to the poor-rates. Having by those establishments very considerably benefited the highly pauperised parishes, and having reduced their rates by twenty, thirty per cent, and in some cases even more than that, it was very hard to turn round and say—you shall be equally taxed for the maintenance of those establishments which you do not want with those who do want them. In his consideration that was an unjust principle. The right hon. Gentleman stated the case as if he were laying the tax for the first time; but he ought to have considered that these parishes have borne the expense of expensive establishments, which were of no service to them, and they had thus considerably reduced the rates in the highly pauperised districts. The right hon. Gentleman next referred to the workhouses. Gentlemen were accustomed to say that the workhouse afforded a great test and means of distinguishing between the industrious destitute and the idle vagrant. The poor-law guardians were in the habit of putting forward this doctrine; but let them take the case of an idle man, and they would find that the workhouse, so far from being a test, enabled him to defy them. Take the ordinary rate of wages, say 10*s.* a week, with a family of six persons, the whole amount of wages does not exceed, if it reaches, 20*s.*, and that only if they are all employed. On this he is able to support the family; but if he goes into the workhouse, you cannot maintain him under 18*s.* a week. If he is put out of employment, he does not care—he will not stir himself to seek it in another place; off the fellow marches to the board of guardians; he is received as a destitute poor person; in he goes to the workhouse, the parish is put to the expense of 18*s.* a week until it is sick of it, and perhaps takes him out. Now, he begged the House to remember that these were not imaginary cases; he himself was aware of many such. The power of getting relief under this system afforded an absolute premium to the idle and the dissolute. The right hon. Gentleman shakes his head, but any person acquainted with these matters would bear him out in the statements which he had made. He next came to the question of rating, which was no doubt one of immense difficulty. The conduct of the right hon. Gentleman clearly proved it to be such, for notwithstanding the great attention which every one was aware he bestowed upon the subject, although the Bill had only been a short time ago introduced to the House, yet nevertheless since its introduction the right hon. Gentleman had entirely altered his views upon the matter. Even as it now stood, as altered and amended, he was of opinion that the right hon. Gentleman had only partially escaped from the difficulties which surrounded him. The right hon. Gentleman admitted in argument that if he had persevered in his former proposition, that he would have subjected the unions to the expense of a re-rating; and he was so persuaded such would be the case, that he introduced an alteration. The right hon. Gentleman had endeavoured to apply a partial remedy, and that remedy was county rating. No one would deny that county rates are unequal. No one believes that they are equal. It is almost impossible to arrive at an equal rate over the whole county. He believed that if they were to make extensive inquiries among the ratepayers of a county, they would find that the good sense of the ratepayers, knowing the difficulty of the subject, had acquiesced in the rule, where they were aware that endeavours had been made to put the rating upon a footing of equality. It would be impossible to make it equal: when the surveyor had gone half way through the county, different circumstances would arise, and he would have to begin again. Again, different men formed different estimates of the value of property, and that was the reason of the inequality which prevailed in the system of parochial assessment. These are the difficulties which stand in your way, and you will be resting on an unsound basis if you think county rating is equal. The right hon. Gentleman has stated, that he will take county rating as his basis, save when the union ran into two counties; but he had not given the House any information as to the reasons upon which he arrived at that determination. The right hon. Gentleman should have stated to the House what number of unions did run into two counties. For all they knew to the contrary, the number of unions which did so formed the great proportion; he believed, however, that they were as one-fourth to the whole number. [MR. BULLER: I believe that they are only one-tenth.] In the southern part of the county where he lived, there were four unions, and three out of the four ran into two counties. At all events, they ought to have been informed what proportion they bore to the others. He considered, in highly-pauperised parishes, where the duties of the officers were proportionally greater than in the others, the salaries of the medical staff, the relieving officers, and the clerks should be augmented. The right hon. Gentleman had made a very strong statement to the House upon what he called the clearance system; but he did not think the facts of the case warranted him. In his opinion, the real state of the case was, that no additional buildings had been erected to meet the wants of an increased population. But the House should remember that the clearance system involved the actual pulling down of dwelling-houses without building others for the accommodation of the increasing population. But the want of additional buildings to meet the exigency of the increase arose from the fact that sufficient accommodation already existed for those engaged upon the land; and they had it pretty substantially demonstrated that decreasing the population would not generally increase the wages of those so employed, as there were ordinarily a certain number of labourers permanently employed, whose wages would not rise or fall, or be subject to such fluctuation. He thought, therefore, that the term was inadvertently used. He believed he had stated the real cause of the congregation of the poor to the larger towns, and he was certain that if they took the population returns, which gave the number of houses in the country, they would find that in the great majority of cases no decrease had taken place. He wished also to say a few words respecting private rates and highway rates. He considered that some misunderstanding might arise if the matter were allowed to rest under the sweeping condemnation placed upon them by the right hon. Gentleman, when he was alluding to the fact of some of the poor being maintained by private and highway rates. In the part of England where he lived, a great deal of misery had been alleviated by the means of these rates, which had been thus so unscrupulously condemned. The House should recollect the very stringent nature of the orders of the poor-law guardians. Take the case, for instance, of a poor man, with a wife and four or five children, unable to get work. Under any circumstances his wages would have been, when in employment, eight or nine shillings, and in winter even lower than that. Some persons think that if these persons go into the poor-house, that they would be provided for; but inquiries had sufficiently demonstrated that if the poor were thus drafted off the land, the wages of those who remained would not be increased. The great number of persons who accept the relief afforded by the officer, which averages from 3*s.* to 3*s.* 6*d.*, were condemned to sit at home, and almost starve upon it, while by the help of these rates the poor man was enabled to earn from 6*s.* to 7*s.*, and thus was enabled to maintain himself in a state of comparative comfort. He did not think that the right hon. Gentleman contemplated this class of cases when he gave utterance to his sweeping denunciation. The House should not be inveigled by the soft persuasion of the right hon. Gentleman, that this was a little measure. Why, as sure as six and six make twelve, the principle of the Bill would be extended far beyond what might be now contemplated. The right hon. Gentleman might not be the person to extend it; but there were others who would be glad enough to avail themselves of it. Great alterations of the present kind should not be made bit by bit; if they were to be made, they ought to be considered as a whole, and treated as such. Of this he was sure, if there was one mode more than another by which they could shake confidence in the acts of that House, it would be by going on year after year shifting these burdens from one class to another, and thus interfering with the value of property in no slight degree. By this perpetual shifting and changing, they produced a soreness in men's minds, which at some time or another would drive them to make an organic change in order to get at the end of the chapter; and the end of the chapter would be the imposition of a national rate. The Removal Bill, introduced by the right hon. Baronet the Member for Tamworth, was one of those by which he expected, in some sense, to equalise the burdens which pressed upon the agricultural interest; that was a measure, be it remembered, which the agricultural interest did not demand; on the contrary, they were averse from it; but the ink is scarcely dry which printed that Act of Parliament, before you come down to the House with an Act to undo all you have done before, and to inflict an additional burden upon the agricultural interest by making them sharers in that which heretofore had been borne in a larger proportion by the towns; and the Removal Bill, held out as an advantage to the agricultural interest, made the lever for depriving them of one, and for charging them with additional burdens. He had listened with great attention to the right hon. Gentleman; but he must confess that he did not see any good or sufficient reasons for the Bill. He did not see why the parishes which had been most relieved should throw off their shoulders the burdens rightfully laid on them, and burden those parishes by which they had been assisted. Nor did he see any reason why the Removal Bill, enacted for one purpose, should be made the lever for another; neither did he see any force in the reasons by which the right hon. Gentleman endeavoured to justify this shifting of burdens; or, dealing with the question of vagrancy, why it was not put under the provisions of some establishment competent to deal with it, and why they should not have a national charge for it, and treat it as all other crime was treated. They would never be able to draw a distinction between the vagrant and the really destitute poor, unless vagrancy was treated as an offence. These were the reasons why he could not consent to support the Bill. He thought it would be opening the doors for the entrance of future evils—breaking down the whole parochial system. He moved that the Bill be read a second time that day six months.

Debate adjourned.

SCHLESWIG-HOLSTEIN.

Mr. DISRAELI wished to address an inquiry to the noble Lord the Secretary of State for Foreign Affairs, with regard to negotiations which were at present taking place, or had taken place, between Denmark and Germany, under the noble Lord's mediation. The House would recollect that he had brought the question of the hostilities between those Powers before the House in the month of May; and at a subsequent period the King of Denmark, with a view of terminating those hostilities, signed an armistice with great reluctance, as the terms of it were not very favourable to his crown and kingdom, and the signature of it was unsatisfactory to his subjects. But the king was influenced by feelings which would be appreciated in this country, and was especially anxious to terminate a conflict which was injurious to the commerce, not only of his own country, but particularly of England. The armistice having been signed under those circumstances by the King of Denmark, it was brought to Berlin, where it was signed and ratified by the King of Prussia, and he believed mainly through the auspices of the Crown of Sweden, and the activity and intelligence of the noble Lord the Secretary for Foreign Affairs. The House, then, would be surprised to learn that this armistice, thus signed and ratified, had been repudiated by the Prussian general; and after that sacrifice on the part of the King of Denmark he had the mortification of finding the armistice thrown in his face, and Europe had the mortification of learning that hostilities, so ruinous to commerce, were about to be recommenced. Now, he wished to ask the noble Lord whether he had any communication to make to the House on that almost unprecedented occurrence in diplomatic negotiations; whether he had received any communication from the Prussian Minister resident at the Court of St. James's explanatory of those circumstances; whether it were the fact that the King of Prussia, under the new constitution which at present prevailed in Germany—and which not even the King of Prussia himself seemed to understand—had informed Her Majesty's Government that he had no authority to sign and ratify that armistice; and whether he had informed Her Majesty that in consequence of his finding, to his astonishment, that he was deprived of those sovereign attributes, he intended to terminate any further diplomatic communications between his Court and the Cabinet of St. James's? Those were questions which he was sure the noble Lord would answer with all that fulness of detail which was called for by a subject so interesting to the public; and he trusted the noble Lord would be able to hold out a hope to the commercial interests of this country that there was a prospect of terminating the contest between Denmark and Germany in a manner which should be generally satisfactory to Europe, and advantageous to the interests of commerce.

VISCOUNT PALMERSTON had great pleasure in giving to the hon. Member and the House such explanation as was in his power to convey with regard to the very interesting and important matter to which his observations applied; and he trusted that the general result of his answer would be more encouraging, if not satisfactory, than perhaps the anticipations of the hon. Gentleman might have led the House to expect. The great difficulty which had arisen in those negotiations had sprung from the circumstance of there being so many different parties to be consulted, and in consequence of their being at a distance from each other, rather lengthened delays taking place in making the necessary communications preparatory to their assenting to an arrangement. What, in a few words, had taken place was, that Her Majesty's Government had proposed to the two parties—Germany and Denmark—articles of an armistice, which contained also the principles of the basis of a permanent settlement. As that appeared to the parties concerned to involve questions which might lead to lengthened discussions, the Prussian Government had sent an officer in their confidence to Malmöe to be in personal communication with the Minister for Foreign Affairs of the King of Sweden, as a friendly mediator, and the Minister of Foreign Affairs of the King of Denmark; and they had arranged matters for an armistice, not including those principles of the basis of a permanent settlement which had been comprised in his (Lord Palmerston's) proposal. Those articles so agreed upon, but not signed, as the hon. Member supposed, by the organs of Sweden, Denmark, and Prussia, had been approved by the Danish Government, and sent to Berlin, where objections having been taken to some of the details, modifications were thought requisite, and the Prussian officer had been sent back with the articles, and those modifications had been accepted. Undoubtedly it was reasonable to suppose that the articles of the armistice were thus finally concluded, and would be signed. But when the Prussian Government had sent orders to the general commanding in Schleswig to sign the armistice, in conjunction with the military commander of the Danish forces, that officer started a difficulty with regard to the position in which he conceived himself placed, both with reference to his own Government and to the government of the Confederation which had been recently constituted at Frankfort. He need not trouble the House by going into further details on the subject; but he might safely from communications which he had received that morning from Berlin, hold out a hope that those difficulties—which were difficulties in form rather than in substance—were likely to be got over; and, notwithstanding the delay which had taken place, he felt a confident hope that the armistice would be signed and concluded. There might be a question of certain modifications, but he trusted the two parties would come to an agreement in substance on the articles of the armistice. There would then remain the main question to be settled, and that main question Her Majesty's Government would still continue their good offices to arrange; and when hostilities should permanently cease he trusted the two parties would bring to the consideration of that further question that spirit of mutual conciliation without which no satisfactory arrangement could be attained.

VICE-ADMIRALTY COURTS IN THE COLONIES.

Captain **PECHELL** inquired what steps had been taken to put an end to the abuses that have taken place in the several Vice-Admiralty Courts of the Cape of Good Hope, St. Helena, Sierra Leone, and New South Wales?

Mr. **WARD** was not in a condition to give the hon. and gallant Gentleman any information on the subject of the fees and charges of the Vice Admiralty-Court of Sidney. With regard to the charges of the other courts, the subject had been fully investigated, and it had certainly been much easier to discover the existence of the evil of which the hon. and gallant Gentleman complained, than to devise a remedy for it. Among those who had been applied to to investigate this subject was Dr. Lushington. The fees, which were fixed by the Act of the 2nd William IV., cap. 51, were moderate; and if the charges had been limited to those fees, there would have been no ground for complaint. The judge received a fee of 1*l.* 10*s.* upon each case, the registrar a fee of 4*l.*, and the other officers of the court fees amounting in the whole to 1*l.* 15*s.* But the dangerous part of the system was this, the judge had the power of awarding expenses to the agent of the captors; and the agent of the captors in return possessed the power of waiving all objections to the exaction of fees by the judge, and thus many fees were illegally exacted. The remedy proposed by Dr. Lushington was to allow the captors to have the right of having their agent's bill taxed by the registrar of the High Court of Admiralty.

RIVER STEAMBOATS.

Mr. **C. LUSHINGTON** asked the President of the Board of Trade, whether it was his intention to take any steps to prevent the overloading of the passenger steamboats plying on the Thames?

Mr. **LABOUCHERE** said, that by the provisions of the Steam Navigation Act all steamboat proprietors were directed to transmit to the Board of Trade every six months a report of the condition of their vessels; but this Act, although it inflicted a penalty on the proprietors of steam vessels navigating the sea for neglecting to make such a return, inflicted no penalty whatever on the proprietors of steamboats navigating rivers for such neglect. The Board of Trade took the only means in their power to prevent the occurrence of accidents, by writing to all the proprietors of the river steamboats, reminding them of the necessity of making such a return, and cautioning them that if they neglected to do so, and any accident should happen, they would probably be visited with severe punishment. He believed, however, that it would be his duty to ask the House to adopt some more stringent measure for the regulation of the river steamboats.

CASE OF SIR J. T. CLARIDGE.

Mr. **GLADSTONE** rose to move an Address, setting forth—

> "That by an Order in Council, which his late Majesty was pleased to approve on the 15th day of December, 1831, Sir John Thomas Claridge, then Recorder of Prince of Wales's Island, was removed from the said office on account of an 'irritation between the Local Government and himself,' which, in the opinion of the Lords of the Committee of Council, acting judicially in the case, was 'principally to be attributed' to the conduct of the said Local Government and of the Home Authorities:—Also setting forth that it further appeared to their Lordships in their investigation of the case, 'that no imputation rested on the capacity or integrity of Sir J. T. Claridge in the exercise of his judicial functions, so as to preclude his Majesty from employing him in his service in some other judicial situation;' and praying that Her Majesty, graciously taking into consideration the expectations which the terms of the said Order in Council were calculated to create, may be pleased to direct that Sir J. T. Claridge may receive an appointment in Her Majesty's service of such a class as to Her Majesty shall seem meet."

He had moved for a copy of that Order in Council six days ago, but it had not yet been laid on the table of the House; however, it was accurately set forth in the terms of his Motion, and he might say that that Order in Council constituted his case. Sir John Thomas Claridge had, in the year 1825, been appointed to the recordership of Prince of Wales's Island. Some years afterwards six charges had been made against him by the Court of Directors of the East India Company. Those charges had been referred to the Committee of the Privy Council, corresponding with what was now denominated the Judicial Committee of the Privy Council; and as only two of those charges had been persevered in, he should have only to deal with two of those charges.

The first charge was, that Sir John Thomas Claridge had refused to execute the duties of his office until he should have obtained from the local government a guarantee for the payment of a certain amount of salary; and the other charge was that he had refused to proceed to Sincapore and Malacca for the trial of offenders unless the local government would pay his expenses. The Committee of Council decided that although Sir J. T. Claridge was not justified in the measures to which he had recourse to enforce the payment of his charges, or the expenses of his going his circuit, yet their Lordships were inclined to think that the local government was not justified in refusing to allow him his charges, and that it was the duty of the Court of Directors to provide for the payment of his expenses, and that Sir John Thomas Claridge had acted from a mistaken view of his duty. It appeared, therefore, that the local government were to blame as well as Sir J. T. Claridge. The Order in Council went on to state, that in consequence of the irritation which existed between the local government and Sir J. T. Claridge, it would be advisable that he should be removed, but that he had been guilty of no act which should incapacitate him from serving the Crown hereafter in a judicial capacity. Therefore he had been dismissed, not as a punishment, but on grounds of public policy and as a solution of a public dilemma. No imputation rested on his character; and from the wording of the Order in Council, an expectation had been raised in his mind that he should be employed again, which expectation had not been fulfilled. He did not bring forward this Motion as a party question, or as a charge against the right hon. Baronet opposite. There had been several Presidents of the Board of Control since these occurrences had taken place, all of whom had neglected the claims of Sir J. T. Claridge. He had brought forward this Motion entirely on public grounds. The independence of the Judges in England was secured by the fact of their holding their offices for life; but in the colonies they were liable to dismissal by the Government, and the only security they had for the independence of the colonial judges was the appeal to the Committee of the Privy Council, and the recommendation of that Committee should be always attended to. If they valued the independence of the colonial judges he besought them to agree to this address.

Sir J. C. HOBHOUSE would not go further into the subject than the specific wording of the Motion required. He had no more to do with the case than the right hon. Gentleman himself. The appointment had taken place twenty years ago, and he had nothing to do with it, and had had nothing to do with the matter at all except having been so unfortunate as to have had a long and by no means agreeable correspondence with that gentleman. The whole accusation against him was, that he had not thought proper to recommend this gentleman for an Indian judgeship. [Mr. Gladstone: For any colonial judgeship.] He had no power to recommend him, except to an Indian judgeship. But he would ask the right hon. Gentleman how it happened that during the five years which the right hon. Gentleman had been in office, he had overlooked the claims and the merits of Sir J. T. Claridge? How came it that while the right hon. Gentleman held the office of Secretary for the Colonies he had never bestowed a judgeship on this gentleman? How came it that the injustice of this case had not burst upon the right hon. Gentleman until he (Sir John Hobhouse) had had the misfortune to become for the second time the correspondent of Sir J. T. Claridge? He considered that the proviso in the Order in Council on which the right hon. Gentleman had laid so much stress was somewhat extra-judicial. It, however, did not go the length of recommending him for employment, but it merely stated that he was not incapacitated from being employed. There was nothing whatever to impugn the character of Sir J. T. Claridge, who had been appointed by an able and excellent man, Mr. Charles Wynn; but neither was there anything that gave him any claim to any other appointment. He had nothing to say against the character of Sir J. T. Claridge, but he would rather not make him a judge. When the case was heard before the Privy Council, the Members of the Committee were Lord Brougham, Lord Goderich, and Mr. Charles Grant; and if they had entertained so decided an opinion as to the propriety of the reappointment of Sir J. T. Claridge, how came it that they had not reappointed him? Lord Brougham had conveyed extra-judicially to Sir J. T. Claridge that it had been the intention of the Committee in their decision to give a triumph to neither party. Shortly afterwards Sir J. T. Claridge had made a communication to Lord Brougham, to which he received no answer. He was not more fortunate in a second application; and the third time he received an answer that was by no means satisfactory. So little did Lord Brougham think himself called upon to do anything for the reinstatement of Sir J. T. Claridge, that when he applied for a silk gown, Lord Brougham thought it right to refuse even that small favour. Since the dismissal of Sir John Claridge, the office of President of the Board of Control had been held successively by Lord Glenelg, by himself (Sir J. C. Hobhouse), by Lord Ellenborough, by Lord Fitzgerald, by the Earl of Ripon (who had been a member of the Committee which had investigated the case); and then he again had the misfortune to be compelled to make the speech on this case which he was then addressing to the House. He could not see how the House of Commons could in anywise interfere in the case, and that seemed to be the real difficulty felt by the right hon. Gentleman. The right hon. Gentleman wanted the House of Commons to ask the Crown to give an appointment to Sir J. T. Claridge; had the right hon. Gentleman any precedent to show for such a case? He rather thought the right hon. Gentleman had not; on the contrary, he could recollect when a Motion had been made in that House on a former occasion to address the Crown to grant a pension to a gentleman, the right hon. Baronet the Member for Tamworth strongly opposed it, on the ground that it would be an interference with the Royal prerogative, and that it should be left to the responsibility of the Government. But, supposing that the House of Commons addressed the Crown on the case of Sir J. T. Claridge, and that the Crown gave him an appointment, who would be responsible in that case? It would not be the President of the Board of Control, or the Secretary for the Colonies, or the Prime Minister; for one and all these might urge that they could not do so consistently with their views of the public service, or that they had no appointments of the nature required in their gift. In that case the consequence would be that there would be no redress for the House of Commons. The House of Commons occasionally interfered to remove a man from a situation —to remove a Judge or a Minister—but never to appoint him. It would be manifestly unconstitutional, and the greatest danger to the public service might ensue from its interference with the judicial office. He hoped, therefore, that the House would not agree to the Motion. He wished it was in his power to come to some other conclusion on the subject, and to be able to say that Sir J. T. Claridge was the fittest person to be appointed as judge in India or elsewhere; but he could not give such an answer. He trusted, therefore, as no good could come of it, either to the House or to Sir J. T. Claridge, that the right hon. Gentleman would not press his Motion to a division.

Motion withdrawn.

COLONIAL GOVERNMENT.

SIR WILLIAM MOLESWORTH:* Sir, in submitting to the consideration of the House the Motion of which I have given notice, I must entreat the indulgence of the House; for the nature and extent of the subject will compel me to trespass at some length upon its patience. My object is, in the first instance, to call the attention of the House to the amount of the colonial expenditure of the British empire; and in so doing, I shall endeavour to establish the following positions: 1st. That the colonial expenditure can be diminished without detriment to the interests of the empire. 2nd. That the system of colonial policy and government can be so amended, as to ensure more economical, and altogether better, government for the colonies. And, lastly, that by these reforms the resources of the colonies would be developed, they would become more useful, and their inhabitants more attached to the British empire.

In speaking of colonies, I do not intend to include under that term the territories which are governed by the East India Company; but shall confine my remarks to those foreign possessions of the Crown which are under the jurisdiction of the Colonial Office. Notwithstanding this limitation, the colonial empire of Great Britain contains between four and five millions of square miles—an area equal to the whole of Europe and British India added together. Of this vast space, about one million of square miles have been divided into forty different colonies, each with a separate government: four of them are in Europe, five in North America, fifteen in the West Indies, three in South America, five in Africa and its vicinity, three among the Asiatic islands, and five in Australia and New Zealand. The population of these colonies does not exceed 5,000,000: of this number about 2,500,000 are of European race; of whom about 500,000 are French, about 350,000 are Ionians and Maltese, a few are Dutch or Spaniards, and the remainder, amounting to about 1,600,000, are of English, Irish, or Scotch descent. Of the 2,500,000 inhabitants of the colonies who are not of European race, about 1,400,000 are Cingalese, and other inhabitants of Ceylon, and 1,100,000 are of African origin. In 1844 (the last complete return) the declared value of British produce and manufactures exported to the colonies, amounted to about 9,000,000*l.* sterling. The whole colonial expenditure of the British empire is about 8,000,000*l.* sterling a year; one half of which is defrayed by the colonies, and one half by Great Britain. That portion of the colonial expenditure which is defrayed by Great Britain, consists of military, naval, civil, and extraordinary expenditure.

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* From a published Report.

First, the net military expenditure by Great Britain, on account of the colonies (including ordnance and commissariat expenditure) was returned to Parliament, for the year 1832, at 1,761,505*l.*; for the year 1835-36, at 2,030,059*l.*; and for the year 1843-44 (the last return) at 2,556,919*l.*, an increase between 1832 and 1843 of 795,414*l.* The present military expenditure is probably about the same as it was in 1843-44; for the military force in the colonies amounts at present to about 42,000 men (exclusive of artillery and engineers), or to about three-eighths of the whole military force of the British empire (exclusive of the army in India). For this amount of force we shall have to vote this year, first, in the Army Estimates for the pay, clothing, &c., of 42,000 men, and for the foreign staff, about 1,500,000*l.*; secondly, in the Ordnance Estimates for the pay of the artillery and engineers (which I will suppose to be the same as in 1843-44), for Ordnance establishments, barracks, fortifications, and stores in the colonies, about 550,000*l.*; and thirdly, in the Commissariat Estimates for commissariat services, provisions, forage, fuel, light, &c., in the colonies, about 450,000*l.*: in all, about 2,500,000*l.*, which will be the direct military expenditure by Great Britain, on account of the colonies, for this year. To form a fair estimate of the whole military expenditure by Great Britain, on account of the colonies, for one year, it would be necessary to add to this sum of 2,500,000*l.* a very considerable sum, on account of reliefs, military establishments at home, and other matters, which are in part required in order to keep up so large a military force in the colonies. It is evident, therefore, that I shall under-estimate the military expenditure by Great Britain, on account of the colonies, when I set it down at only 2,500,000*l.* a year.

Secondly, with regard to the naval expenditure by Great Britain on account of the colonies. At present we have about 235 ships in commission, with a complement not much short of 40,000 men. Of these ships, about 132, with a complement of about 25,000 men, are on foreign stations: some in the Mediterranean, some on the North American and West Indian station, some off the west coast of Africa and the Cape of Good Hope, others in the Chinese and Indian seas, or protecting our interests in New Zealand. Now, the House will remember that, in every debate that has taken place this year on the estimates, the extent of our colonial empire, and the new colonies which are springing up in Australia, New Zealand, and the Chinese and Indian seas, were among the chief causes assigned by the noble Lord the Member for the city of London, and the hon. Gentleman the Member for Sheffield, for the enormous amount of the naval force of Great Britain, and for the increase of that force, which has doubled both in magnitude and cost during the last thirteen or fourteen years. I may, therefore, without exaggeration, assume that at least one-third of the ships on foreign stations—that is, one-fifth of the ships in commission—or forty-five ships, with a complement of about 8,000 men, are maintained on account of the colonies. Now I infer from the estimates, and from the returns presented to the House, that these ships will cost the country annually, for wages and victuals of crews, wear and tear of vessels and stores, more than 700,000*l.* In addition to this sum, we shall have to vote this year, in the Navy Estimates, 65,000*l.* for naval establishments in the colonies, another 65,000*l.* for naval works and repairs in the colonies, and 181,000*l.* for freight and other matters connected with the conveyance of troops to the colonies. These sums, added together, will give a total of above 1,000,000*l.* sterling as the direct naval expenditure by Great Britain, on account of the colonies for one year. To form a fair estimate of the whole naval expenditure by Great Britain, on account of the colonies for one year, it will be necessary to add to this sum of 1,000,000*l.*

sterling, a very considerable sum on account of reliefs, and of building new ships, likewise a portion of the cost of the naval establishments at home, and likewise a portion of the expense of the packet service to the colonies, which last item alone costs 418,000*l.* a year. It is evident, therefore, that I shall very much under-estimate the naval expenditure by Great Britain, on account of the colonies, when I set it down at only 1,000,000*l.* sterling a year, or at one-eighth of the whole naval expenditure of Great Britain.

Thirdly, the civil expenditure by Great Britain on account of the colonies is chiefly defrayed by sums annually voted in the Miscellaneous Estimates, under the head of colonial services; some portion of it, however, is paid for under Acts of Parliament. It may be estimated this year at 300,000*l.* It consists of numerous items, to some of which I shall have presently to refer. I will now only mention that we pay 27,000*l.* a year for the Colonial Office, 20,000*l.* a year for ecclesiastical establishments in the West Indies, between 11,000*l.* and 12,000*l.* a year for the clergy of North America, and that last year we divided the diocese of Australia into four bishoprics, erected a bishoprick at Cape Town, and conveyed the right rev. gentlemen who held these sees to the colonies, at the expense of this country.

Lastly, under the head of extraordinary expenditure by Great Britain on account of the colonies, I put down such items as the insurrection in Canada, for which in the interval between 1838 and 1843, there were special grants to the amount of 2,096,000*l.*; as the Kafir war, on account of which there is a special grant this year of 1,100,000*l.*, and for which we shall have probably to pay eight or nine hundred thousand pounds more; as the Maori war in New Zealand, which, at a low estimate, will cost half a million; as 214,000*l.* for the payment of the debts of South Australia, in 1842; as relief of sufferers by fire and other disasters in the colonies, for which we gave 50,000*l.* in 1846; as the risk of non-payment of loans, such as 236,000*l.* to the New Zealand Company, and 716,000*l.* to the West Indian planters; and innumerable other items. On the average of the last ten years, 200,000*l.* a year would have been wholly inadequate to cover the extraordinary expenditure by Great Britain on account of the colonies. I will put it down, however, at 200,000*l.* a year, and I will omit all mention of the sums paid for emancipating the negroes in the colonies, and the civil expenditure on account of our attempt to suppress the slave trade, which many persons would charge to the account of extraordinary colonial expenditure.

If the four sums which I have just mentioned be added together, namely, 2,500,000*l.* for the Army, including ordnance and commissariat, 1,000,000*l.* for the Navy, 300,000*l.* for civil services, and 200,000*l.* for extraordinary expenses, the total direct expenditure by Great Britain on account of the colonies, would amount to at least four millions a year; and I am inclined to think that this is very much less than the actual annual cost of the colonies to Great Britain. Now, I beg the House to observe, that the declared value of British produce and manufactures exported to the colonies in the year 1844 was nine millions sterling, including the one million's worth of exports to Gibraltar, which are sent to Gibraltar to be smuggled into Spain. Therefore the expenditure of Great Britain on account of the colonies amounts to nine shillings in every pound's worth of its exports; or, in other words, for every pound's worth of goods that our merchants send to the colonies, the nation pays nine shillings; in fact, a large portion of our colonial trade consists of goods which are sent to defray the expenses of our establishments in the colonies. What are the advantages which we derive from our colonial possessions in return for this expenditure? Colonies are supposed to be useful either for political or commercial purposes, and with reference to these objects they should be divided into two classes, which should be considered separately; first, military stations, acquired chiefly for political purposes; secondly, colonies, properly so called, supposed to be of value chiefly for commercial objects.

Our military stations are Heligoland, Gibraltar, Malta, the Ionian Islands, Bermuda, the stations on the west coast of Africa, St. Helena, the Cape of Good Hope, the Mauritius, Hong-Kong, Labuan, and the Falkland Islands. What do these stations cost us; of what use are they to this country? They are called the outposts of the British empire, and they are supposed to be useful in periods of war, for purposes of aggression. But it appears to me that most of them are so far removed from the centre of the empire, that in time of war they would be sources of weakness and not of strength; for they would compel us, contrary to every sound principle of warfare, to scatter instead of concentrating our forces. Therefore, in the event of a really serious struggle, they would, like other outposts, in all probability, be abandoned to their fate. Moreover, it is evident that we can only retain possession of them as long as we have the dominion of the seas; but having the dominion of the seas, I cannot see why we should cover all of them with fortifications, and fill all of them with troops. I believe a wiser generation will hold wiser opinions with regard to the utility of these possessions. I will, however, for the present, suppose that some of them are of some use to the country, and proceed to tell the House what they cost us.

First, Gibraltar and Malta: in 1843-4 the total expenditure incurred by Great Britain on account of these stations was 366,000*l.* About the same sum is expended upon them every year, for their garrisons consist of between five thousand and six thousand men (exclusive of artillery and engineers), and considerable sums are annually expended on building and repairing fortifications, naval works, &c. It is stated in the navy and ordnance estimates of this year, that the works now in progress in these two colonies will cost us 460,000*l.* I will not ask whether they are worth the price we pay for them. But I do question the utility of protecting the Ionian Islands with two thousand five hundred troops, at a cost to this country of about 130,000*l.* a year, which is somewhat more than the declared value of our exports to those islands in 1844. When England first became the protecting sovereign of the Ionian States, it was on the express condition that a portion at least of their military expense should be borne by the States; the sum to be paid was subsequently fixed at 35,500*l.* a year. In 1842 the Ionian States were 122,000*l.* in arrear; and I believe the arrears are still greater at present. We have spent large sums on military works at Corfu, and a grant of 12,873*l.* is to be proposed this year to complete some of these works. Therefore our military stations in the Mediterranean require about eight thousand troops, and they cost us at least half a million a year, exclusive of any portion of the expense of the fleet in the Mediterranean. That fleet, on the average of the last five years, has consisted of twenty-three ships, with a complement of 5,000 men, the expense of which, for wages, victuals, wear and tear, may be reckoned at half a million a year. The declared value of our exports to these stations is about 1,400,000*l.*, of which nearly a million is a smuggling trade through Gibraltar into Spain.

I next proceed to the Bermudas. Since the Peace we have expended there upwards of 600,000*l.* (exclusive of the cost of convict labour) on navy and ordnance works alone; and it is now estimated that to complete these works a further sum of 160,000*l.* will be required. At the Bermudas there is a garrison of one thousand two hundred men, at a cost (exclusive of the expense for convicts) of about 90,000*l.* a year. Now, what is the use of such costly establishments and fortifications on these worthless rocks? It is said that the Bermudas are useful as a means of aggression against the United States, and that we have garrisoned them and fortified them lest the United States should take possession of them. I believe the United States would not accept of them as a gift. They are chiefly used as a comfortable residence for the admiral on the North American station, for whom it is proposed to build a house at a cost of about 15,000*l.*

I next proceed to St. Helena, which costs us in civil and military expenditure about 40,000*l.* a year, and to the colonies on the western coast of Africa, which in a similar manner cost us about 52,000*l.* a year. These colonies are not, strictly speaking, military stations, nor are they of much commercial importance; their main object is to impede the slave trade. The fleet which we had last year upon this station consisted of twenty-four ships, with 259 guns, and a complement of 2,781 men, and its cost was returned to Parliament for wages, victuals of crews, and wear and tear of ships, at 301,628*l.* a year. Besides these sums we generally expend about 80,000*l.* a year on other matters connected with what is called the suppression of the slave trade. Therefore, at least half a million a year is the direct expenditure by Great Britain in the vain attempt to put a stop to that traffic. It may not be proper to include all this under the head of colonial expenditure; but, nevertheless, I may be permitted to express my belief that it is a most useless expenditure, and to recommend Parliament to abandon it, together with the colony of Sierra Leone, and the other stations on the west coast of Africa, and thus to save the country an outlay of at least 450,000*l.* a year.

I now arrive at the colony of the Cape of Good Hope (the area of which is considerably larger than that of the united kingdom). It may be looked upon as a commercial colony as well as a military station. As a commercial colony, it is not of much importance. In 1844, the declared value of our exports to it was only 458,000*l.*, and our imports from it were 258,000*l.* The difference was made up by the military expenditure of Great Britain, which for 1843-4 amounted to 294,000*l.*, or more than fifty per cent on our exports. In that year, the number of troops in the colony was 2,951 rank and file; last year, the number was at one time 5,470 rank and file. This increase was in consequence of the Kaffir war; and for the same reason the fleet on this station was increased to nine ships, with a complement of 1,700 men, which fleet must have cost this country at the rate of 170,000*l.* a year. For that war we have already paid 1,100,000*l.*, and, in all probability, 800,000*l.* or 900,000*l.* more will be required to close the account. The House will not be astonished at this expenditure when it is informed, in the words of Sir Harry Smith, "that in the last bit of a brush with a Kafir chief called Sandhilli, 56,000*l.* were expended in waggon hire alone." One word with regard to that war, for it is a striking instance of the pranks that colonial governors can play, of the little control that the Secretary of State for the Colonies can exercise over them, and of the danger to which this country is perpetually exposed, under the present colonial system, of having vast sums of money expended upon a worthless colony. The Cape of Good Hope is the Algeria of England. The Kafir war which has just terminated was, I believe, the fourth in the last thirty years. The one which preceded it is said to have cost this country half a million sterling. All these wars have originated from nearly the same cause, namely, cattle stealing along a frontier of upwards of 700 miles. Sometimes the Kafirs stole, or were accused of stealing, the cattle of the colonists; the colonists retaliated; then they came to blows; blood was shed; the colonial government interfered; a large expenditure of public money ensued, to be paid for out of the imperial treasury. This was the case in the last war. With regard to the origin of that war, there is a great difference of opinion. Some persons, apparently with great reason, ascribe it to the discontinuance of the system of Sir B. D'Urban, and the adoption of the mistaken policy of the missionaries; and they maintain that the war was inevitable, and only too long delayed by attempts to conciliate the Kafirs. Other persons, with much show of reason, ascribe its origin and its ill success to the haste and indiscretion of the Governor, Sir P. Maitland. However this may be, the immediate cause of the war was this: a Kafir on the frontier stole an axe. He was arrested and sent off to prison. On the road a rescue was attempted; a conflict ensued; on the one side a Kafir, on the other side a Hottentot constable were slain, and the prisoner was rescued. Application was then made to certain Kafir chiefs to give up the offenders. They refused, on the grounds that the colonial authorities were not entitled by treaty to send a Kafir to prison for such a trifle as stealing an axe, and that the blood of the Hottentot had been paid for in the blood of the Kafir first killed; and they entreated the Governor not to be in haste with forces, but to have a talk about the matter and try to understand it. However, the Governor at once hastened to the frontier; by his orders Kafirland was invaded; but every arrangement was so ill made that our troops were repulsed; twice our baggage waggons were cut off; and the victorious Kafirs, in their turn, invaded the colony. For months Sir P. Maitland lived in the bush, enduring (according to his own account) unheard-of hardships, when he was very properly superseded. Great was the amazement and indignation of his successor, Sir Henry Pottinger, at the state of affairs which he discovered in the colony. He declares that he cannot give an "adequate idea of the confusion, unauthorised expense, and (as he believed) attendant peculation which had obtained." In that peculation it is rumoured that men of high station were implicated. Numerous instances of reckless expenditure are stated in Sir Henry's despatches. One of a settlement on the Kat River, where the few inhabitants were, on the plea of defending the frontier, receiving rations at the rate of 21,000*l.* a year. Another in the vicinity of a station called Block Drift, where rations had been regularly given to a number of Kafirs, who had been fighting against us. Sir Henry attempted to put a stop to these abuses; and the war seemed to be drawing to a close, when, unfortunately, fourteen goats were lost. They were tracked across the frontier into the territory of a Kafir chief; he was required to restore them, and to give up the supposed thief. Twelve of the goats were immediately sent back; but the chief denied all knowledge of the other two, and of the thief, if there were one. Sir Henry Pottinger was not satisfied. He ordered a secret expedition into Kafirland, to surprise the chief in question. The expedition, as usual, failed; the chief escaped; the troops retreated, after having killed a few Kafirs, and carried off some head of cattle; and the war was kindled afresh. Throughout, Sir Henry Pottinger was thwarted by a divided command; and the greater portion of his troops were unsuited for the service which they had to perform. For instance, old officers of the Peninsula, accustomed to regular warfare, were intent upon displaying their strategic skill in a contest with savages; heavy dragoons, mounted upon chargers, armed with rifles impossible to load on horseback; and English regiments, with their ordinary clothing and accoutrements, had, under the burning sun of Africa, to attack Kafirs skulking in a bush all but impenetrable to Europeans. In such a war, seven British regiments, with artillery and engineers, were not a match for half the number of naked savages armed with assegais. The war would never have been brought to a close, had it not been for the colonial corps, who, composed of Hottentots, led on by brave and energetic young English officers, followed the spoor of the Kafirs, captured their cattle, and hunted them down like wolves. By these means, Sir Henry Pottinger brought the war to a close just as he was succeeded by Sir H. Smith. Sir H. Smith, in addition to other marvellous feats, has made the Kafir chiefs kiss his foot, has proclaimed himself their only Inkosi Inkulu (great chief), and has added, on the north of the colony, some 40,000 square miles (about the size of England) of as barren a desert (to use the words of the surveyor general) as is to be found upon the earth's crust. Thus the loss of one axe and two goats on the frontier of the Cape of Good Hope has cost this country a couple of millions sterling. I attach no blame to Lord Grey or his predecessor on account of this war; it is clear from their despatches—I trust they will pardon me for saying it—that they were helpless and ignorant; and I believe Lord Grey was as much astonished as any man when he heard the amount of the bill to be paid. I warn the House, however, that, under the existing system, there is no reason whatever why, every four or five years, there should not be a similar war, with a similar bill to pay. For, with a frontier of about 700 miles in extent, causes of war with the neighbouring savages will perpetually recur. In the colony, such a war is most popular, and is wished for on account of the lavish expenditure of Great Britain; and every effort is made to prolong its duration. There is but one means of securing our purses for the future, namely, by withdrawing our troops from the frontier, and letting the colonists distinctly understand that they must defend themselves, and pay the cost of such defence. Then they will have the strongest motives to prevent the commencement and to hasten the termination of a Kafir war. In return for so doing, they should receive free institutions, and have complete control over their own expenditure. Then 1,000 troops would be a sufficient garrison for Cape Town; and in ordinary years, there might be a saving at the Cape, in military expenditure alone, to the amount of at least 200,000*l.* a year. If, however, public money be to be spent at the Cape of Good Hope, it would be better both for this country and for the colony that it should be spent on emigration. I believe that about 10*l.* a head is sufficient to defray the expense of sending emigrants to that colony. Now, the direct military expenditure by Great Britain on account of the colonies is at the rate of 60*l.* a year for each soldier in the colonies. Therefore, if we were to reduce our military force at the Cape by 1,500 men, and were to send there, in their stead, 9,000 emigrants a year, there would, in all probability, be a reduction in our expenditure on account of that colony; and the rapid increase of population would enable the colonists to guard their frontier effectually against the Kafirs.

From the Cape of Good Hope I proceed to the Mauritius, which may likewise be looked upon, to a certain extent, as a commercial colony. The declared value of the exports to it of British produce was 285,000*l.* in 1844. The whole expenditure by Great Britain in 1843–44 on account of this colony was 92,000*l.* I should think that it costs somewhat more at present; for we have about 2,000 troops at the Mauritius, and we are going to improve the defences of the island, at the estimated cost of 150,000*l.* Where is the necessity for keeping this amount of military force at the Mauritius? Is it in order to keep down the planters? It is true, they are discontented and overburdened by taxation; but the best plan would be to bestow upon them free institutions, and to give them complete control over their expenditure; then 1,000 men—which was about the amount of the military force in that colony in 1826—would be an ample garrison.

From the Mauritius I should proceed to Hong-Kong; but, first, I will stop for a moment at Ceylon. As Ceylon is neither a military station nor a colony properly so called, but is a subjugated territory of the same kind as our possessions in India, it appears to me that it would be better governed by the East India Company than by the Colonial Office, in which case we should have nothing to pay for the troops in that island. In 1843-4, the military expenditure by Great Britain amounted to 110,000*l.*, in addition to a military expenditure by the colony of nearly 70,000*l.* At present, the military force in Ceylon consists of 4,000 troops, including colonial corps. Now, 110,000*l.* a year is a heavy price to pay for a colony, the declared value of our exports to which did not exceed 240,000*l.* in 1844. It is true, however, that the import trade from Ceylon, especially of coffee, is rapidly increasing in value.

I now arrive at Hong-Kong. From the 1st of May, 1841, when we took possession of that island, up to the 30th September, 1846, we have expended upon it 314,000*l.*, exclusive of the sums derived from the local revenue. I find in the Navy, Ordnance, Commissariat, and Miscellaneous Estimates for this year, that Hong-Kong appears under sixteen different heads, for sums amounting in all to 94,514*l.*; to which must be added the expense of paying, clothing, &c., of 1,200 troops, which must amount to at least 40,000*l.* a year. Therefore Hong-Kong bids fair to be a costly colony, as, indeed, it ought to be, when the salary of the Governor is 6,000*l.* a year. I should likewise observe, that to the account of Hong-Kong should be added a portion of the expense of the fleet in the Chinese and Indian seas, which consists at present of about twenty-five ships, with a complement of about 4,500 men, and which must cost at least 450,000*l.* a year. Therefore the total direct expenditure by Great Britain in the Chinese and Indian seas cannot be less than 600,000*l.* a year. As the East India Company has a fleet of its own to defend its own possessions, the greater portion of this expenditure is on account of the trade with China, which, on the average of the last four years, did not exceed 2,000,000*l.* a year in British produce and manufactures.

Next, I have to inform the House that Labuan appears this year for the first time in our estimates, as yet only in the Miscellaneous Estimates, for the sum of 9,827*l.*, 2,000*l.* of which is the salary of his Excellency the Rajah Brooke, of Sarāwak, to whose dominions in Borneo we have this year appointed a consul at the salary of 500*l.* a year. Now, as in these matters the first step is all the difficulty, we may expect in a year or two to see Labuan, Sarāwak, and perhaps in their train some half-dozen other Borneon principalities, holding conspicuous places in the Army, Navy, Ordnance, as well as Miscellaneous Estimates. Then we shall build barracks and fortifications, and garrison them with a few troops. The troops will create a demand for a small quantity of British produce and manufactures. To protect the trade thus arising, a ship or two of war will be stationed in the neighbourhood. Thus, in proportion to the increase of the public expenditure, will be the increase of the traffic, till at length we shall be informed that the British merchant is carrying a flourishing commerce with these settlements, at the usual cost to the nation of ten shillings in every pound sterling of her exports. This is the most approved Colonial Office fashion of colonising and creating a colonial trade—very different from the old English mode.

I will now conclude the catalogue of the military stations with the Falkland Islands. On that dreary, desolate, and windy spot, where neither corn nor trees can grow, long wisely abandoned by us, we have, since 1841, expended upwards of 35,000*l.*; we have a civil establishment there at the cost of 5,000*l.* a year; a Governor who has erected barracks and other "necessary" buildings, well loop-holed for musketry; and being hard up for cash, he issued a paper currency, not, however, with the approbation of the Colonial Office.

Thus it appears that our twelve military stations and Ceylon contain about 22,000 troops; and that portion of their civil and military expenditure which is defrayed by Great Britain amounts to at least 1,300,000*l.* a year, exclusive of extraordinary expenditure for Kafir wars, &c., which, on the average of the last ten years, may be put down at much more than 100,000*l.* a year. To these sums must be added a portion of the cost of the four large fleets which are stationed at or in the vicinity of the military stations, namely, on the Mediterranean, the African, the Cape, and the Chinese stations. These fleets consist at present of ninety-three ships, with a complement of 18,000 men, and must cost a million and a half a year for wages and victuals of crews, and wear and tear of vessels.

What I propose to the House is this: to withdraw our military protection from the Ionian States; to dispense with our stations and fleet on the west coast of Africa; to reduce our establishments at the Cape and the Mauritius, and to bestow upon those colonies free institutions; to transfer Ceylon to the East India Company; to keep a sharp watch over the expenditure for Hong-Kong, Labuan, and Sarāwak; and to acknowledge the claim of Buenos Ayres to the Falkland Islands. Then 10,000 men, instead of 22,000, would be sufficient to garrison the military stations in the following manner; 6,000 for Malta and Gibraltar; 4,000 for Bermuda, the Cape, the Mauritius, and Hong-Kong. If this were done, there would be a reduction in military and naval expenditure to the amount of at least a million a year for the military stations alone.

I now come to the colonies, properly so called, which have been planted in North America, the West Indies, and Australasia. For what purposes, I ask, were colonies originally planted by England? What benefit does this country derive from her dominion over her colonies? Our ancestors would have answered these questions in the following manner. They would have told us, how a little more than two centuries ago some of the inhabitants of this island, being uneasy at home, had migrated to America; they were prudent and energetic men, of the true Anglo-Saxon breed, which is best fitted to wage war with the savage and the forest; and being left alone, they flourished; and in the course of a few years, without costing one farthing to this country, they became a numerous and a thriving people. Then the shopkeepers and other traders of England wished to secure their custom, and, according to the notions of the day, they petitioned Parliament that the colonists should be confined to the English shop; first, for buying all the goods they wanted in Europe; secondly, for selling all such parts of their colonial produce as the English traders might find it convenient to buy. Parliament acceded to this request. Thence the old system of colonial monopoly, which was the sole end and aim of the dominion which England assumed over her colonies. To maintain that monopoly and that dominion, vast sums were expended, costly wars were waged, and huge military and naval establishments were kept up; but it was always supposed that the expense thus incurred was repaid by the benefits derived from the monopoly of the colonial trade. I will not attempt to strike the balance of past profit or loss. It is evident, however, that with the abandonment of colonial monopoly, the arguments in favour of colonial dominion, which were derived from that monopoly, must likewise be abandoned. Now, to monopoly free trade has succeeded, and the last relic of the colonial system, in the shape of the navigation laws, is about to perish. Our colonies are free to trade with whom they will, and in what manner they will. Therefore, they will only trade with us when they can do so more profitably with us than with other countries. Therefore, as far as trade is concerned, the colonies are become virtually independent States, except that they may not enact laws to restrain their inhabitants from buying from us, or selling to us, if it be for their interest so to do. It is evident, however, that if the colonies were independent States, they never would be so foolish as to prevent their inhabitants from selling to us; but it may be said that they might be so foolish as to prevent their inhabitants from buying from us. If this be all the mischief which, as far as trade is concerned, is to be apprehended from the colonies becoming independent States; then it follows that all the benefit which, as far as trade is concerned, we derive from the sums which we expend on colonial dominion, consists in the power which we thereby possess of averting the possibility of the colonies enacting hostile tariffs against our produce and manufactures. The amount of this benefit must evidently depend upon the value of our export trade to the colonies. Now, the declared value of the export of British produce and manufactures to the North American, West Indian, and Australasian colonies for the year 1844 (last complete return) was about 6,000,000*l.*; the direct expenditure by Great Britain, on account of those colonies, cannot be less than two millions sterling a year. I ask, is it worth our while to spend a couple of millions a year to guard against the possibility of a diminution in an export trade of 6,000,000*l.* a year? I put this question to any mercantile man: would it be worth his while to pay 6*s.* 8*d.* in the pound on the value of his goods, to secure that those goods shall freely compete with the goods of other nations in the markets of the North American, West Indian, and Australasian colonies? And if it be not worth his while, is it worth our while to pay it for him? This is undoubtedly a great and marvellous empire, in many respects unparalleled in history, but in no respect more marvellous than with reference to its colonies. Every other nation has attempted, in some shape or form, to draw tribute from its colonies; but England, on the contrary, has paid tribute to her colonies. She has created and maintained, at an enormous expense, an extensive colonial empire for the sole purpose of buying customers for her shopkeepers. This (as Adam Smith has justly observed) was the project, not of a nation of shopkeepers, but of a Government influenced by shopkeepers. It may be said that I have omitted to consider the value of the import trade from the colonies, which is equal to the value of the export trade; but no one fears that the colonies would, if they became independent States, refuse to sell to us; they would only be too happy so to do. We do not, therefore, require colonial dominion in order to buy from them; and in fact, we do not really require colonial dominion even to sell to them; for if we buy from them, it would be for their interest to receive payment in our produce and manufactures, if cheaper than those of other countries, and that interest would in the long run prevail. It does appear to me, therefore, to be a manifest absurdity to spend vast sums of money on colonial dominion for the purpose of securing free trade with the colonies. I now ask is this large colonial expenditure by Great Britain necessary in order to maintain the connexion between Great Britain and her colonies, which shall secure free trade between them, and the other benefits which I do believe Great Britain may derive from her colonies? I must be permitted to consider these questions separately with regard to each of the three great divisions of the colonies.

In the North American colonies, the military force amounts to about 9,000 men. The military expenditure by Great Britain, for the year 1843–4, was 698,000*l.* The civil expenditure by Great Britain for the same year was 34,000*l.*; this sum included an annual charge of about 12,000*l.* for the North American clergy, and of about 15,000*l.* for the Indian department. The whole direct expenditure by Great Britain for that year was returned to Parliament at 736,691*l.* To this sum must be added a portion of the expense of the packet service, which costs 145,000*l.* a year; and a portion of the expense of the fleet on the North American and West Indian station, which, on the average of the last ten years, must have cost 300,000*l.* a year. When it is remembered that in addition to these sums, Parliament specially granted, in the interval between 1838 and 1843, 2,096,046*l.* on account of the insurrection in Canada; in 1846, 50,000*l.* to sufferers by fire at Quebec and St. John's; and in other years, smaller sums on account of Rideau Canal, canal communication in Canada; militia and volunteers in Canada, &c. &c., which in the interval between 1835 and 1847, amounted to 193,174*l.*, it follows that the North American colonies have cost Great Britain at the rate of at least a million sterling a year during the last ten years, and at present they must cost at least 800,000*l.* a year. Now, on the average of the five years ending with 1844, the declared value of British produce and manufactures exported to the North American colonies was 2,600,000*l.* a year. Is it worth our while to pay 800,000*l.* a year, that is, 30 per cent on these exports, to guard against the possibility of some diminution in that trade? For what purpose do we keep 9,000 troops in North America? Is it to protect the colonists against the United States? But if they are loyal at heart they are strong enough to protect themselves; if they are disloyal, twice 9,000 men will not keep them down. But suppose they were to separate from us, and to form independent States, or even to join the United States, would they not become more profitable as colonies than they are at present? The United States of America are, in the strict signification of the word, still colonies of Great Britain, as Carthage was a colony of Tyre, and the cities of Ionia and Sicily were colonies of Greece; for the word colony does not necessarily imply dependency, but merely a community composed of persons who have removed from one country and settled in another, for the purpose of cultivating it. Now, our colonies (as I will term them) of the United States are in every point of view more useful to us than all our other colonies put together. In 1844, we exported to the United States produce and manufactures to the value of 8,000,000*l.*; an amount equal to the whole of our real export trade to all our colonial dominions, which we govern at a cost of 4,000,000*l.* a year; while the United States cost us for consular and diplomatic services not more than 15,000*l.* a year; and not one ship of war is required to protect our trade with the United States; in fact, a British ship of war is very rarely seen off the coasts of the United States. Again, more emigrants go directly from this country to the United States than to all our other colonies put together. In the last ten years, according to the returns of the Emigration Commissioners, 1,042,000 emigrants left this country, of which number 552,000 went directly to the United States; how many went indirectly through Canada, I cannot undertake to say. Last year 251,0000 persons emigrated from Great Britain to North America, 142,000 of whom went directly to the United States, the remaining 109,000 to the colonies. At present it is considered that colonies are chiefly useful as affording markets for our produce and outlets for our population. It is evident that in both these respects independent colonies are as useful as dependent ones. I do not, however, propose to abandon the North American colonies; but if we are compelled to choose between the alternative of the continuation of the present vast expenditure and that of abandoning these colonies, it is evident that the latter alternative would be the more profitable one in an economical point of view. But I maintain, that if we govern our North American colonies as we ought to govern them, follow out rigorously the principle of responsible government, and leave them to manage their own affairs, uncontrolled by the Colonial Office, we may with safety diminish our military force and expenditure, and they will willingly continue to be our fellow-subjects.

In the West Indies the military force amounts to about six thousand men. In the year 1843-4, the military expenditure was 513,386*l.*; the civil expenditure was 74,462*l.* This civil expenditure consists of an annual charge of 20,300*l.* for ecclesiastical establishments, of about 18,000*l.* for the salaries of governors, and of about 35,000*l.* for the salaries of stipendiary magistrates. The total amount of the direct expenditure incurred by Great Britain, on account of these colonies, for 1843-4, has been returned at 593,834*l.*, or within a trifle of what it was in 1835-6. But in order to form a fair estimate of the whole cost of these colonies, we should add to this direct expenditure a portion of the expense of the fleet on the North American and West Indian station, which fleet, as I have already stated, must cost the country at least 300,000*l.* a year; a portion, likewise, of the expense of the packet service to and from the West Indies, which is contracted for at 240,000*l.* a year; likewise something on account of the risk of the non-repayment of loans, such as 50,000*l.* this year, on account of the hurricane in Tobago; 166,000*l.* which the Colonial Office, somewhat usurping the ordinary functions of Parliament, promised, without consulting Parliament, to British Guiana and Trinidad in February last; and the 500,000*l.* with which the noble Lord the Member for the city of London has vainly hopped to appease the West Indian interest. How much of these loans will ever be repaid? And we must likewise add the cost of landing captured negroes free of charge in the West Indies; I have already mentioned the cost of capturing them. I am afraid, therefore, that our West Indian colonies will, in future, cost this country directly much more than 700,000*l.* a year, which is just one-fourth of the declared value of our annual exports to these colonies, on the average of five years, ending 1844. And that export trade is decreasing, and will decrease; for there can be no doubt that the value of West Indian property has greatly diminished. I will not trespass on the patience of the House by making any observations on the state of the West Indies, as that subject was so fully discussed a short time ago. I will merely remark, that some West Indian proprietors have said that we must either restore the value of their property, by protecting their sugar, or they will throw off our dominion. Now, if we must choose between these alternatives, there can be little doubt which would be the cheaper. For, if we were to abandon those colonies, there would be a direct saving of 700,000*l.* a year, and no protecting duty on sugar. In fact, if we were to make them a present of ten millions sterling, on condition of their becoming independent States, we should be gainers thereby to the amount of at least 350,000*l.* a year. Though I utterly disbelieve that the West Indian colonies can ever be of the slightest value to the country, as colonies, for their climate is quite unsuited to our race, and they will, in all probability, become negro islands, like Haiti; though they have been the most costly, the most worthless, and the worst managed of our colonies, a perpetual drain on the pockets of the people of England; yet I do not propose to abandon them, except at the express wish of the colonists. I should merely propose to reduce our military force to half its present amount, and to effect a saving of about 300,000*l.* a year.

In the Australian colonies, including New Zealand, the number of troops must at present be about 5,000 men; and the military expenditure by Great Britain must amount to about 270,000*l.* a year. The civil expenditure by Great Britain for this year, according to the Miscellaneous Estimates, will be about 30,000*l.* a year. Therefore, the direct expenditure by Great Britain, on account of these colonies, must amount to at least 300,000*l.* a year, exclusive of such items as 14,402*l.* for the abandonment of Lord Stanley's colony of North Australia; 214,936*l.* which we first lent, and then gave, in consequence of Colonel Gawler's extravagances in South Australia; and I know not how much for the follies of Captains Hobson and Fitzroy in New Zealand, who involved us in a war with the natives, which is still going on. The bill has not yet been sent in. Will 500,000*l.* cover it? I am afraid not; for portions of three regiments are quartered in that colony; and there are three or four ships of war, with a complement of about eight hundred men, stationed off the coast. These ships must cost, for wages, provisions, wear and tear, &c., about 80,000*l.* a year. Now, the declared value of our exports to the Australian colonies, on the average of the five years ending 1844, was only 1,000,000*l.* a year; putting down our expenditure only at 300,000*l.* a year, that expenditure would amount to 30 per cent on the value of our exports. Now, it is certain that not one single soldier is required in Australia except to keep the convicts in order; nor would one soldier have been required in New Zealand had it not been for the preposterous mismanagement of that colony by the Colonial Office. Supposing, however that 2,000 men were required for the convict service in Van Diemen's Land, and 1,000 men for New Zealand, the military force in the Australian colonies might be reduced to 3,000 men.

Thus, it appears that the military force in the North American, West Indian, and Australian colonies, amounts to about 20,000 men, and the direct expenditure by Great Britain, on account of these colonies, to about 2,000,000*l.* a year. I should propose to reduce that force to 10,000 men, whereof 4,000 men would be sufficient for North America, 3,000 for the West Indies, and 3,000 for Australia; and then, in my opinion, less than 1,000,000*l.* a year would suffice to defray the expenses of those colonies to Great Britain.

Therefore, the whole reduction which I should propose at present to make in that portion of the colonial expenditure which is defrayed by Great Britain is 2,000,000*l.* a year. I should effect that saving partly by a reduction of 22,000 men in the military force in the colonies; partly by a reduction of the naval and civil expenditure on account of the colonies; and partly by removing the causes which have led to Canadian rebellions, Kafir and New Zealand wars, and the like. If this were accomplished, still, however, the colonies would continue to cost the large sum of 2,000,000*l.* a year; but I believe that a further reduction might ultimately be made on account of the commercial colonies; indeed, they might cost us next to nothing if we gave them complete control over their own affairs, on condition that they should pay their own expenses. The military stations, however, must always be a source of great expense; and if we retain them we must be content to pay dearly for our whistle.

Before I leave this subject I must call the attention of the House to a Treasury Minute of 10th June last, in which my Lords of the Treasury complain of the delay in rendering, and especially in auditing, colonial accounts. My Lords instance those from Ceylon, the Mauritius, the Falkland Islands, Van Diemen's Land, and New South Wales; and the Commissariat accounts from China, the Cape of Good Hope, Van Diemen's Land, and New South Wales, to which I will add those from St. Lucia, South Australia, and Western Australia. My Lords state that these accounts are so much in arrear that they cannot admit the sufficiency of the reasons assigned for that delay. The delay has certainly been very extraordinary.

I find that there are, at present, in the Audit Office the unaudited accounts of ten years from the Mauritius; of eight years from the Cape of Good Hope; of six years from Ceylon; and of four or five years from the other colonies to which I have referred. It is evident that, with such delay, it is impossible to exercise an effectual check over colonial expenditure.

I shall now proceed to the consideration of that portion of the colonial expenditure of the British empire which is defrayed by the colonies themselves. A return has just been presented to the House of that expenditure for the last year, in which it could be made up. In most instances it is for the year 1845; it is not materially different from the returns for previous years; I may, therefore, without any considerable inaccuracy, assume that it represents the ordinary annual expenditure by the colonies, and especially for the year 1845. From that return, it appears that the total expenditure by all the colonies—excepting Ceylon, and the stations on the west coast of Africa, for reasons which I will presently state; and likewise the Ionian Islands, from which there was no return—was about 3,350,000*l.* for the year 1845. The population of these colonies was about 3,400,000; therefore, the annual expenditure was at the rate of 19*s.* 8*d.* per head of the population. The rate of expenditure, however, varies considerably in different colonies, according to the form of local government. It is greater or less, according as the colonists have less or more control over their own expenses. This is a most important fact, to which I wish to call the especial attention of the House. I have instituted a comparison between the rate of expenditure of those colonies which have, and those which have not, representative assemblies. From that comparison I have omitted Ceylon, because Ceylon is not a colony, properly so called, but belongs to the class of our Indian possessions; and it is evident that a rate of expenditure which might be considered trifling for a population composed chiefly of Europeans, might be excessive for a population of the Cingalese and Veddahs of Ceylon. I have likewise omitted the colonies on the west coast of Africa; for there is no account of their population on which any reliance can e placed; and the Ionian Islands have also been omitted, because, as I have already said, their expenditure has not been returned to Parliament in the return in question. With these omissions, I find that the rate of expenditure of the colonies with representative assemblies is less than one-half of the rate of the expenditure of the colonies without representative assemblies. The colonies, with representative assemblies, have a population of about 2,580,000, and their expenditure, in 1846, was 1,930,000*l.*, or at the rate of 14*s.* 11*d.* per head of their population. On the other hand, the population of the colonies, without representative assemblies, was about 820,000, and their expenditure, in 1845, was 1,420,000*l.*, or at the rate of 1*l.* 14*s.* a head of their population, or 18*s.* 7*d.* a head more than in the colonies with representative assemblies. I am convinced that this great increase of the rate of expenditure in the Crown colonies is mainly to be attributed to the want of self-government; for it is most apparent when the rate of expenditure, in each class of colonies, is examined and considered separately.

The rate of expenditure is the lowest in the North American colonies, where there is the greatest amount of self-government; in fact, since the last insurrection in Canada, and the establishment of the doctrine of responsible government, Canada has become, in most respects, an independent State, except as far as the civil list is concerned, and except that it is now and then subjected to some mischievous and foolish interference on the part of the Colonial Office. Now, the expenditure of the North American colonies in 1845, was 1,134,000*l.*, their population was 1,700,000; therefore the rate of expenditure was 13*s.* 4*d.* per head of the population, or 1*s.* 7*d.* less than the average rate of the colonies with representative assemblies. But it should be remarked, that of the 1,134,000*l.* expended in 1845 by the North American colonies, 500,000 was an extraordinary expenditure by Canada, on account of new works and buildings, a large portion of which was defrayed by a loan. If a portion of this loan be omitted, as it ought to be, from the annual expenditure, then the rate of expenditure by the North American colonies for the year 1845 would have been nearly the same as it was for the year 1842, when it amounted to about 9*s.* a head of the population. Though this rate of expenditure is low as compared to our other colonies, yet it is about 30 per cent higher than that of the United States for similar purposes. The difference mainly arises from the high scale of salaries paid to the higher functionaries in the North

American colonies. Generally speaking, those functionaries receive from three to four times the amount of the salaries of similar functionaries in the United States. For instance, in the Canadas, with a population of 1,200,000, the Governor is paid 7,000*l.* a year; in the United States, the President has only 5,000*l.* a year, and no governor has more than 1,200*l.* a year; in the State of New York, with a population of 2,600,000, the Governor only receives 800*l.* a year. Again, the Chief Justices of Upper and Lower Canada are paid 1,500*l.* a year each, while the Chancellor and Chief Justices of the State of New York receive only 800*l.* a year each. The puisne Judges of Canada receive 1,000*l.* a year each; those of New York only 200*l.* a year each. The Governor of Nova Scotia is paid 3,500*l.* a year; the Governors of New Brunswick and Newfoundland are paid 3,000*l.* a year each. In Massachusetts, with a population much larger than that of the three last colonies added together, the salary of the Governor is only 500*l.* a year. In fact, the four North American colonies which I have just mentioned, pay 2,500*l.* a year more for the salaries of their four Governors, than the thirty States of the Union do for their thirty Governors. Now in the colonies the salaries are fixed by the various civil lists. These civil lists, being removed for a series of years from the control of the representative assemblies, are perpetual causes of quarrelling and discontent; and there is always a dispute going on between the Colonial Office and some colony or other on this subject, which frequently leads to the most unpleasant results. For instance, the dispute about the civil list of Canada was one of the causes which ultimately led to the insurrection in that colony; and at present the Colonial Office is involved in a civil-list quarrel with British Guiana. In all these quarrels, the object of the Office is to keep up the pay of its functionaries; and the object of the colonists is a reduction of expenditure. There can be no doubt that the salaries of the higher functionaries in the colonies are excessive as compared to the standard of the United States, which is the usual standard of comparison in the colonies. For the salaries of the Governors of the thirty States of the Union amount in all to but 14,000*l.* a year; therefore the average is 460*l.* a year for the salary of each Governor. Now there are eighteen British colonies which pay for their own governors; their salaries amount in all to 72,000*l.* a year; therefore the average is 4,000*l.* a year for the salary of each of these Governors—or nearly nine times the rate of pay in the United States. In fact, nine out of the eighteen Governors in question receive as much as, or more than, the President of the United States. For instance, the Governors of Canada, the Mauritius, and Ceylon, receive 7,000*l.* a year each; the Governor of Jamaica has 6,500*l.* a year; and the Governors of Gibraltar, Malta, the Ionian Isles, the Cape of Good Hope, and New South Wales, have 5,000*l.* a year each. I do not think this rate of pay is too high for noble Lords and other gentlemen of rank and connexion, when they undertake the duties of governors of the colonies; but if we are determined to employ such persons in the colonies, we ought to pay for them ourselves. On the other hand, if we insist upon the colonies paying their governors, it appears to me that, with the exception of the military stations, we should permit the colonies to elect their own governors and other functionaries, and to pay them what salaries they think fit. Such was, in olden times, the constitution of our colonies of Rhode Island, Connecticut, and Massachussets. And the honour and distinction attached to the office of governor would induce the best men in the colonies to serve for moderate salaries. If, however, the colonists were to choose, in any particular case, a person unfit to be a governor, they would be the sufferers; they would have no one but themselves to blame: but, as I will presently show, it would be difficult for them to make a worse choice than the Colonial Office generally makes.

To return to the question of the comparative rates of expenditure in those colonies which have, and those colonies which have not representative governments. In the West Indies the colonies with representative assemblies are Jamaica, the Leeward Islands, the Windward Islands —with the exception of St Lucia—and the Bahamas. Their population is about 700,000; their expenditure in 1845 was 450,000*l.*, or at the rate of 12*s.* 10*d.* per head of their population; the rate of Jamaica was 13*s.* Now, compare this rate with that of the West Indian colonies without representative assemblies, namely, St. Lucia, Honduras, Trinidad, and British Guiana—the Combined Court of which cannot with any propriety be termed a representative assembly—their population is about 190,000; their expenditure, exclusive of the cost of immigration, was 284,000*l.*, or at the rate of 1*l.* 9*s.* a head, or more than twice as much as that of the West Indian colonies which have representative assemblies. The salaries of the higher functionaries in the West India colonies are all excessive, as compared with the standard of the United States. Twelve governors and lieutenant-governors receive 29,000*l.* a year, 16,000*l.* of which are paid by the colonists to five governors. As I have already observed, the Colonial Office is involved in a civil-list dispute with British Guiana. In consequence of the distressed condition of that colony, at the close of last year, the elective members of the Court of Policy proposed a reduction of 25 per cent upon all salaries above 700 dollars a year. The Colonial Office refused to accede to this proposal; and the Governor carried the estimates for the year in the Court of Policy by the exercise of his double vote. The Combined Court then refused to vote the supplies for the period required by the Governor. The Colonial Office has retaliated upon them for this conduct by stopping immigration to British Guiana, and by refusing the usual licenses to carry liberated negroes from Sierra Leone to that colony. This unexpected proceeding has occasioned considerable inconvenience and loss to various shipowners in this country, who complain that no reliance can be placed upon the Colonial Office with its perpetually shifting regulations.

The Cape of Good Hope and the Mauritius have each of them about the same population, namely, 160,000, and being Crown colonies, their rate of expenditure is about the same as that of the Crown colonies of the West Indies, namely, 1*l.* 7*s.* a head; they are grievously taxed, especially the Mauritius. As I have already said, the Governor of the Mauritius has 7,000*l.* a year; and the Governor of the Cape has as much as the President of the United States.

It may be said that the rate of expenditure is higher in the Crown colonies, because, generally speaking, those colonies are more thinly peopled than the colonies with representative assemblies. It is perfectly true, that, everything else being the same, the rate of expenditure in a thinly peopled territory will generally exceed that of a thickly peopled one. But the Crown colony of the Mauritius is four times as densely peopled as Jamaica, yet the rate of expenditure in Jamaica per head of the population, is less than one-half what it is in the Mauritius. Again, the Crown colony of Malta is one of the most densely peopled spots on the face of the earth; yet the rate of expenditure is 16*s.* 6*d.* a head of the population, or twenty per cent more than that of the plantations in the West Indies; or nearly double the ordinary rate of expenditure in the thinly peopled North American colonies. Again, Malta is more than twice as thickly peopled as the Ionian States; but those States have a certain amount of self-government, and their rate of expenditure in 1840—the last return which I have been able to get at—was 14*s.* 3*d.* a head, or 2*s.* 3*d.* a head less than that of Malta.

Ceylon is the only apparent exception to the rule, that the rate of expenditure of colonies governed by the Colonial Office is greater than that of the self-governed colonies. According to Sir Emerson Tennent the population of Ceylon in 1846 must have amounted to 1,500,000, and the expenditure in that year was 498,000*l.*, or at the rate of 6*s.* 7*d.* a head of the population. It is true this rate of expenditure is lower than that of any other colony, yet I believe it will be found to be extravagant when the nature of the population is considered. For it ought to be compared with that of the territories governed by the East India Company, which are inhabited by an analogous population, but are locally governed by men carefully selected on account of their special aptitude. The population of those territories is said to be about 93,000,000, and the expenditure on the average of the five years ending 1844 was 20,000,000*l.* sterling, therefore at the rate of 4*s.* 3*d.* a head of the population, or one-third less than that of Ceylon. There can be no doubt that if Ceylon were transferred, as I propose, to the East India Company, it would be more economically governed than it is by the Colonial Office.

Lastly, with regard to the Australian colonies. New South Wales is the only one which has a representative assembly of any kind. It commenced its existence in 1843, and immediately caused an extraordinary diminution in the expenditure. In 1841 the free population of New South Wales amounted to about 102,000, and the ordinary expenditure, exclusive of immigration, was 350,000*l.*, or at the enormous rate of 3*l.* 4*s.* a head of the population. In 1843 the Representative Assembly at once diminished the expenditure for the subsequent year by 60,000*l.*; and in 1846, when the free population amounted to 178,000, the expenditure was only 254,000*l.*, or at the rate of 1*l.* 8*s.* a head of the population. This extraordinary reduction in the rate of expenditure may be attributed, to a certain extent, to immigration; but the reduction in the positive amount of expenditure can be distinctly traced to the commencement of local self-government in 1843.

Compare the rate of expenditure of New South Wales with that of the neighbouring colony of Van Diemen's Land, which has in vain petitioned for a representative assembly. In 1842 the free population of that colony amounted to 37,000, and on the average of the four years ending with 1844, the expenditure, exclusive of immigration, was 161,000*l.*, or at the enormous rate of 4*l.* 6*s.* a head. This rate of expenditure was not very different from that of the kindred colony of New South Wales prior to the establishment of representative government; but it was more than three times that of New South Wales after the establishment of representative government. It must, however, be acknowledged that the difference in the rate of expenditure of the two colonies may be attributed in part, though certainly not altogether, to the abolition of transportation to New South Wales, and to its continuance in its worst form to Van Diemen's Land. The House may remember the appalling description which was given last year of the loathsome moral state of the convict population of that colony and its dependency, Norfolk Island; of their hideous crimes; of their frightful diseases; and of their atrocious murders. It was shown that the unhappy state of that colony was brought about partly by the negligence of the then Secretary of State for the Colonies, Lord Stanley—partly by the mismanagement of the then Governor of Van Diemen's Land, Sir Eardley Wilmott; and partly by the misconduct of the then Commandant of Norfolk Island, Major Childs. In consequence of these horrid disclosures, it was announced last year to the Governor of Van Diemen's Land, Sir W. Denison, that it was the intention of the Government that transportation should be discontinued altogether; and that announcement was received with great satisfaction in the colony. Unfortunately, it now appears that transportation is to be renewed to Van Diemen's Land, though in a mitigated form. The colonists will be bitterly disappointed and exasperated when they receive this information. At present they are discontented; for to meet the vast expenditure of the colony, taxes have been imposed which the judges have pronounced to be illegal; and one of the judges so deciding has been removed by the Governor, as the colonists believe, in consequence of his decision; a belief which, from the statements made to the House by the hon. Gentleman the Under Secretary of State for the Colonies, appears to be unfounded. The colonists, however, will have every reason to be dissatisfied with the renewal of transportation, which will mar their prospects, and make them for ever the plague spot and reproach of Australasia.

In the other Australian colonies which have not representative governments, I am unable to state with accuracy the rate of expenditure per head of the population. In South Australia, at one time, it exceeded 10*l.* a head per annum; and the colony became utterly bankrupt through the extravagance of its Governor, Colonel Gawler. We had to liquidate its debts, partly by a gift in 1842 to the amount of 214,236*l.*, and by a loan of 85,000*l.* This loan will be repaid, because South Australia is becoming rich in consequence of the discovery of mines. With regard to these mines, it is said that the Colonial Office has created great dissatisfaction in this colony by reserving a royalty of one-fifteenth of their gross produce. The House is probably not aware that almost every year the Colonial Office makes some change in the management of the waste lands of the Australian colonies, which affects to a greater or less extent the value of all landed property in those colonies. For instance, with reference to minerals. Originally all minerals were reserved to the Crown, and only the surface of the soil was conveyed to the purchaser. In one instance, however, Lord Bathurst, when Secretary of State for the Colonies, gave all the coal in New South Wales to one company. In consequence of these reservations, no one had any interest in searching for or in discovering mines, therefore no mines were discovered, or, if discovered, they were carefully concealed. When, however, the noble Lord the Member for the city of London became Secretary of State for the Colonies, he, with his usual good sense, at once perceived the impolicy of such reservations, and under his rule all minerals were conveyed to the purchaser of the soil. Then mines were discovered, especially in South Australia; and then, to the astonishment of most persons, the Colonial Office determined upon reserving a royalty upon all future mines. [Mr. HAWES: No, no!] What! Do you mean to say that you have in no instance reserved a royalty? [Mr. HAWES: I mean to say that the late Colonial Secretary, Lord Stanley, did it.] Well, it matters not who did it. The consequence is, that the previously discovered mines, which are nearer the coast, and therefore can be worked with less expense, will have to pay nothing, whilst the subsequently discovered mines, which are further from the coast, and therefore more expensive to work, will have to pay a royalty of 6⅔ per cent on their gross produce. Such a measure is bad on economical grounds, and bad also in policy. For sound policy requires that this country should interfere as little as possible in the internal affairs of its colonies, and, above all, as little as possible with their pockets. The policy of the noble Lord (the Member for the city of London) was the right and statesman-like one; sell your land to the colonists and have done with it. Seigneuries and royalties are relics of feudalism, wholly unsuited to colonies. Their establishment is another instance of the utter ignorance of men and things which the Colonial Office generally displays in its administration of the colonies; and, to crown the absurdity, the Emigration Commissioners report that these royalties are, at present, not worth collecting in South Australia.

Swan River, alias Western Australia, has a delicious climate, much good land, plenty of coal, and is well situated for commerce; it might have proved a flourishing colony by this time, but it was overlaid at its birth by the Colonial Office. Its expenditure exceeds its income, and we have to pay seven or eight thousand pounds a year for its civil government.

Lastly, New Zealand. I do not know the rate of expenditure per head of the population in that colony. Its expenditure, however, far exceeds its income. We annually vote between twenty and thirty thousand pounds a year for its civil government; exclusive of the bill which we shall have to pay for Maori wars. In the course of the last two years we have voted that 236,000*l.* shall be lent to the New Zealand Company, which I hope will be repaid some day or other. In that colony, what with imbecile governors in the beginning, what with constitutions proclaimed and suspended, what with quarrels with the natives, what with missionaries and land sharks, there has been a state of the most extraordinary confusion; yet, I believe, through the indomitable energy of our race, New Zealand will ultimately become a flourishing colony, the Britain of the Southern Seas. The House may remember that in 1846 the Colonial Office imagined a nondescript constitution for New Zealand, and sent it off post haste to that colony. It was to divide New Zealand into two provinces, New Ulster and New Munster. Each was to have a representative assembly. When the constitution arrived, Governor Grey refused to bestow it on New Ulster, on the grounds that it would enable the British population to legislate for and tax the natives. Therefore, Governor Grey suspended the constitution of New Ulster till he could receive further instructions; but he expressed his opinions in very strong terms that the inhabitants of New Munster were fit for a constitution. When this intelligence reached the Colonial Office, Lord Grey immediately proposed to Parliament a Bill (which was passed about three or four months ago) to suspend the constitution of both provinces. Now I infer, from late accounts from the colonies, that New Munster has obtained its constitution; and perhaps its representatives will be assembled, and will be hard at work legislating, when orders will arrive from England to suspend their constitution and to dismiss them with ignominy. A curious farce is the history of the management of this colony by the Colonial Office. This same nondescript New Zealand constitution was sent by the Colonial Office to New South Wales for the colonists to inspect, and to see how they would like a similar one. They have rejected it with scorn and contempt. I am afraid, Sir, that the present Secretary of State for the Colonies, notwithstanding his very great abilities, will not be renowned in future history as either the Solon or Lycurgus of Australia.

I think I have sufficiently established my position that, in every portion of the globe, the British colonies are more economically and better governed in proportion as they are self-governed. In North America the various States of the Union govern themselves twenty-five per cent cheaper than the Canadas do, which are, to a certain extent, under the control of the Colonial Office. In the West Indies, the Crown colonies, which are governed by the Colonial Office are twice as heavily taxed as the plantations; and in Australia, and in the Mediterranean, the same rule holds good. These facts justify the conclusion at which I now arrive, that the greater the amount of local self-government, and the less the Colonial Office interferes in the internal affairs of the colonies, the more economically and the better the colonies will be governed. In the course of the last ten years petitions complaining of Colonial Office government, and praying for representative government, have been presented from the Cape of Good Hope, New South Wales, Van Diemen's Land, Western Australia, South Australia, New Zealand, British Guiana, Trinidad, St. Lucia, and Malta. The prayer of only one of those petitions has been acceded to. New South Wales has obtained a mongrel form of representative government, which must soon be amended, though not in the fashion proposed by the Colonial Office. All the other petitions have been rejected. Now I do not assert that each of these colonies would derive the same amount of benefit from free institutions; but I am prepared to maintain that with representative government every one of them, not excepting the Mauritius, would have been more economically and better governed than they have been or are governed by the Colonial Office.

In saying this I do not mean to speak with disrespect either of past or present Secretaries of State for the Colonies; but there is no essential difference between them; the system is throughout the same, whoever may be the nominal chief. Of that system, however, I do intend to speak with disrespect; and I can quote in justification of my so doing some high authorities on this side of the House, who have carefully studied the subject. I mean my right hon. Friend the Member for Liskeard (Mr. C. Buller), the hon. Gentleman the Member for Sheffield (Mr. Ward), and the noble Earl at the head of the Colonial Office, before he became Secretary of State for the Colonies. As long as that system exists, the majority of the colonies must be ill governed, and their inhabitants discontented; for the Colonial Office undertakes to perform an impossible task. It undertakes the administration, civil, military, financial, judicial, and ecclesiastical, of some forty different communities, with various institutions, languages, laws, customs, wants, and interests. It undertakes to legislate more or less for all these colonies, and altogether for those which have no representative assemblies. It would be difficult enough to discharge all these functions in a single office, if all the colonies were close together and close to England; but they are scattered over the surface of the globe from the Arctic to the Antarctic Pole. To most of them several months must elapse, to some of them a whole year must elapse, before an answer to a letter can be received, before a petition can be complied with, or a grievance redressed. Therefore, orders which are issued from the Colonial Office in accordance with the last advices from a colony are, in innumerable instances, wholly unsuited to the state of the colony when the orders arrive; in some cases, questions which time has settled are reopened, forgotten disputes are revived, and the tardy interference of the Colonial Office is felt to be a curse even when a wrong is redressed. In other cases, the instructions of the Colonial Office are wisely disregarded by the governors, or rejected with derision by the colonial assemblies, who marvel at the crass ignorance of their transatlantic rulers.

In addition to its other arduous functions, the Colonial Office is required to assist in the vain attempt to suppress the slave trade with Africa; and it has likewise the difficult task of administering a secondary punishment in a penal colony at the antipodes. Now, if it were possible for any mortal man to discharge the duties of such an office, it is evident that he ought to possess, not merely great mental powers, but a long and intimate acquaintance with the affairs of the different colonies; he should be brought up to the business, it should be the study of his life, and he should be appointed on account of his special aptitude to conduct such business. Is this the rule for selecting Secretaries of State for the Colonies? Nothing of the kind. They are generally chosen haphazard from the chiefs of the two great political parties in this or the other House of Parliament; and they retain their office, on the average, some eighteen months or so. During the last nine years there have been no less than six Colonial Secretaries—namely, Lord Glenelg, Lord Normanby, Lord John Russell, Lord Stanley, Mr. Gladstone, and Lord Grey; all of them, I acknowledge, are men of great ability; all of them, I believe, most anxious to use their abilities for the benefit of their country and of the colonies; but I feel persuaded that one-third of them had little or no acquaintance with colonial affairs prior to their acceptance of office; just, therefore, as they were beginning to learn the wants and interests of the more important colonies, and to acquire the first rudiments of colonial lore, they were succeeded by some other statesman, who had to commence his lessons as Secretary of State for the Colonies, and to try his hand in the despotic and irresponsible government of some score or so of dependent States.

In fact, the Colonial Government of this country is an ever-changing, frequently well-intentioned, but invariably weak and ignorant despotism. Its policy varies incessantly, swayed about by opposite influences; at one time directed, perhaps, by the West India body, the next instant by the Anti-Slavery Society, then by Canadian merchants, or by a New Zealand Company, or by a Missionary Society: it is everything by turns, and nothing long; Saint, Protectionist, Freetrader, in rapid succession; one day it orignates a project, the next day it abandons it, therefore all its schemes are abortions, and all its measures are unsuccessful; witness the economical condition of the West Indies, the frontier relations of the Cape of Good Hope, the immoral state of Van Diemen's Land, and the pseudo-systematic colonisation and revoked constitution of New Zealand.

Such a government might suit serfs and other barbarians; but to men of our race, intelligent and energetic Englishmen, accustomed to freedom and to local self-government, it is one of the most hateful and odious governments that can well be imagined. It is difficult to express the deep-seated hatred and contempt which is felt for the Colonial Office by almost every dependency subject to its sway. If you doubt this fact, put the question to the West Indies and the Mauritius; put the same question to Van Diemen's Land, to New South Wales, to New Zealand, and your other Australian colonies; from all of them you will receive the same answer, and the same prayer to be freed from the control of the Colonial Office. Even the Canadas are not content, though they have responsible government; and though, in most respects, they are virtually independent of the Colonial Office, yet every now and then the Colonial Office contrives to produce irritation by stupid interference in some question of minor importance, such as the regulations of a banking bill, or the amount of a petty salary.

Though the colonies have ample reason to complain of the manner in which their affairs are administered by the Colonial Office in this country, they have still greater reason to complain of the governors and other functionaries who are sent by the Colonial Office to the colonies; for, generally speaking, they are chosen, not on account of any special aptitude for, or knowledge of, the business they will have to perform, but for reasons foreign to the interest of the colonies. For instance, poor relations, or needy dependants of men having polical influence; officers in the Army or Navy who have been unsuccessful in their professions; briefless barristers; electioneering agents; importunate applicants for public employment, whose employment in this country public opinion would forbid; and at times, even discreditable partisans whom it is expedient to get rid of in the colonies; these are the materials out of which the Colonial Office has too frequently manufactured its governors and other functionaries. Therefore, in most cases they are signally unfit for the duties which they have to perform, and being wholly ignorant of the affairs of the colony to which they are appointed, they become the tools of one or other of the colonial factions; whence perpetual jealousies and never-ending feuds. The governors, the judges, and the other high functionaries, are generally on hostile terms. The governors remove the judges, the judges appeal to us for redress; every year a petition or two of this kind comes under the consideration of Parliament. To settle such questions the Colonial Office has just created a new tribunal, composed of an ex-Indian judge and railway commissioner, and of an ex-permanent Under Secretary of State for the Colonies; the one with little knowledge of colonial affairs, the other famed for years as the real head of the colonial system, and therefore reputed to be the evil genius of the colonies. It would be easy to cite instances which have occurred during the last ten years which would illustrate every one of these positions. I forbear, however, from mentioning names, as the facts are notorious to every one who has taken any interest in colonial affairs.

It is no wonder that the colonies are discontented, and that they are badly and expensively governed. Is there any remedy for this state of things? I have traced the evil to its source in the colonial system of the Colonial Office. Can that system be amended? It appears to me that the Colonial Office, as an instrument for governing the colonies, must always be far inferior to any mode of self-government by the colonists. For it is evident that at least in ninety-nine cases out of every hundred, the colonists, the men on the spot, must be better judges of their own interests than honourable gentlemen far away in Downing-street can possibly be. It is evident, likewise, that (though the empire at large has a deep interest in the good and economical government of the colonies; though all of us here present are most sincerely desirous that the colonies should be contented and happy), yet we have other things to do besides studying colonial affairs and looking after the Colonial Office. Therefore, the Colonial Office is virtually irresponsible; it may play what pranks it pleases; it is only when we have to pay for a Canadian insurrection, or a Kafir war, that an outry is raised, and the Colonial Office is called to account, and then there is not above a score of us who know anything about the subject, even after a laborious study of the documents carefully prepared for the purpose by the Colonial Office. Remember, likewise, that implicit reliance cannot be placed on those documents. Some, for instance, are long didactic despatches, written for the sole purpose of being presented to Parliament, not intended to produce any specific results in the colonies; but full of well-turned periods, containing lofty sentiments and apparently statesmanlike views, calculated to gain credit for the Office, and to satisfy the minds of honourable, ignorant, and confiding Members, who soon afterwards forget all about the matter. Again, as a collection of materials for enabling the House to form a judgment with regard to colonial affairs, those documents are not to be trusted, for, generally speaking, they are tainted with partiality, and necessarily so; because they are selected out of a vast mass, on account of their supposed importance—of that importance the Colonial Office is the sole and irresponsible judge—it determines without appeal what shall be produced and what shall be suppressed—in so doing, it must obey the unchanging laws of human nature, and attach greater importance to those documents which confirm its views, and less importance to those which are adverse to its opinions; the former, therefore, obtain its special care, and are sure to be produced; the latter are comparatively neglected, and liable to be forgotten and suppressed; the result is inevitable, namely, partial statements; instances of human fallibility, affording incontestable proofs of the impossibility under which this House labours of forming a correct judgment with regard to colonial affairs. For similar reasons the Colonial Office labours under a similar difficulty, because the statements made to it by the colonial authorities must frequently be of a partial character, and at times wholly untrustworthy; yet always months and sometimes whole years elapse before any explanation of those statements can be obtained. Therefore ignorance and irresponsibility are the characteristic defects of our present mode of governing the colonies. For these defects there is no remedy but local self-government.

Hence I come to the conclusion, that we should delegate to the colonies all powers of local legislation and administration which are now possessed by the Colonial Office, with the reservation only of those powers the exercise of which would be absolutely inconsistent with the sovereignty of this country, or might be directly injurious to the interests of the whole empire. It appears to me that the powers that ought to be so reserved, are few in number, and could easily be defined. To determine them, it would be necessary merely to consider what are the benefits which this country may derive from the colonies, and what is requisite to secure the continuous enjoyment of those benefits.

Colonies are useful either as affording markets for our produce, or outlets for our population. To prove their utility as markets, my hon. Friend the Member for Liskeard, in his most able and admirable speech in 1843, on systematic colonisation, showed that the rate of consumption of British produce and manufactures, per head of the population, was very much greater in colonies than in other countries. Of the correctness of this position there can be no dobut. In 1844, Continental Europe, with a population of about 220,000,000 of inhabitants, did not consume more than 24,000,000*l.* worth of our produce and manufactures; whilst our colonies (including the United States), with a populatien not exceeding 25,000,000, consumed 16,000,000*l.* worth of our goods. Therefore, while the rate of consumption of our goods did not exceed 2*s.* 2*d.* a head in Continental Europe, it amounted to 8*s.*

a head in the United States, 1*l.* 12*s.* a head in our other colonies. It must, however, be admitted, that a considerable portion of our trade with our subject colonies, consists of goods sent to defray the cost of our establishments there. Making, however, every fair deduction on that account, still it cannot be denied that they are excellent markets for our goods; it is very unfortunate, therefore, that they cost us so much as 16*s.* a head of their population, for government and defence, as that sum must absorb the greater portion of, if not all, the profit of our trade with those colonies.

To show the utility of colonies as outlets for our population, I may refer to the reports of the Emigration Commissioners, from which it appears that in the course of the last twenty years 1,673,803 persons have emigrated from this country, of whom 825,564 went to the United States; 702,101 to the North American colonies, 127,188 to the Australian colonies, and 19,090 to other places. It would be interesting to know what has been the cost of this emigration, and how it has been defrayed. I cannot put it down at less than 20,000,000*l.* sterling, of which about 1,500,000*l.* were paid out of the proceeds of land sales in the Australian colonies. This emigration has varied considerably in amount from year to year; from the minimum of 26,092 persons in 1828, to the maximum of 258,270 persons last year. If averages of five years be taken, it appears to have gone on steadily increasing in amount; for on the average of the five years ending with 1832, it amounted to 60,000 persons a year; ending with 1837, to 66,000 persons a year; ending with 1842, to 86,000 persons a year; and ending with 1847, to 121,000 persons a year. Therefore, the habit of emigrating is confirmed, and becoming more powerful every day; and therefore colonies are becoming more useful as outlets for our population.

Therefore, free trade with the colonies, and free access to the colonies, should, in my opinion, be the sole end and aim of the dominion which Great Britain still retains over her colonies. By keeping these two objects distinctly in view, by bestowing upon the colonies all powers of local legislation and administration which are not absolutely inconsistent with these objects and the sovereignty of this country, I believe that our colonial expenditure might be greatly diminished in amount, and that our colonial empire would flourish and become of incalculable utility to this country.

I do not propose to abandon any portion of that empire. I only complain that it is of so little use to us; that it is a vast tract of fertile desert, which cost us 4,000,000*l.* sterling a year, and yet only contains a million and a half of our race. Would it not be possible to people this desert with active and thriving Englishmen? To cover it with communities composed of men with wants, habits, and feelings similar to our own, anxious to carry on with us a mutually beneficial trade? In this country, every trade, every profession, and every branch of industry are overstocked; in every quarter there is a fierce competition for employment. On the contrary, in the colonies, there is an equally fierce competition for labour of every kind. Now, is there any mode of bridging over the oceans that intervene, so that our colonies may be to the united kingdom, what the backwoods are to the United States? If such a plan could be devised, if it could be carried into execution, it might tend to solve the most difficult economical problems of England and of Ireland.

To carry such a plan into execution, two things would be requisite. First, funds wherewith to convey the poorer classes to the colonies. How could such funds be obtained? The hon. Gentleman the Member for Sheffield, the hon. Gentleman the Member for Gateshead, and my hon. Friend the Member for Liskeard, have, in their numerous and able speeches upon this subject, told us that sufficient funds could be obtained by the sale of waste lands, according to the well-known plan of Mr. Wakefield. I hold the same opinion. I firmly believe that with continuous and systematic emigration, sufficient funds could be so obtained. But I will suppose, for the sake of argument, that they must be obtained, for the present, from some other source. Now, I ask the House to consider, first, that we spend four millions sterling a year in the colonies on Army, Navy, Ordnance, Commissariat, Kafir wars, Canadian rebellions, and the like; secondly, that for half four millions—the sum which I propose to save by a reduction of colonial expenditure—we might send annually to Australia 150,000 persons, and to Canada twice that number. I ask the House, at the expiration of ten or fifteen years, from which of these two modes of expending the public money would the nation derive the greater benefit? Our Army, Navy, and Ordnance cost us at present from six to seven millions sterling a year more than they did in 1835, when their force was ample for the defence of the empire. What have we to show in return for this enormous increase of expenditure? A Canadian insurrection suppressed, a Kafir war terminated, barren trophies in India, the gates of Somnauth, Hong-Kong, Labuan, and the Falkland Islands. What should we have had to show for it had only a portion of it been expended on colonisation? A third part of it—the two millions a year which I affirm can be spared from our colonial expenditure—would have been sufficient in ten years to double or triple the British population af our colonial empire.

For instance, that sum would in ten years have conveyed a million and a half of our fellow-citizens to Australasia: where the climate is so peculiarly suited to our race, where abundance of food can easily be obtained; there, flourishing and contented, they would have been anxious to purchase our produce and manufactures; wealthy States, worthy of the British name, would have been generated, carrying on with us an enormous trade; self-governed they would have needed neither army nor navy to protect them, and would have gladly defrayed every local expense. That would have been a colonial empire to boast about.

Again, the same sum of two millions sterling a year would, in ten years, have conveyed to North America some three millions; say, of Irishmen. With that sum I believe you might have created beyond the Atlantic a new and happy Ireland, so attractive to the Celtic race that they would have migrated in shoals from the old and unhappy Ireland, and thus, perhaps, have enabled you to solve that fearful problem, which neither Gagging Bills, nor Coercion Bills, nor Alien Bills, nor even a repeal of the Union, will ever solve. That, indeed, would have been a feat for a great statesman to acccomplish, and would have covered his name with immortal renown! I do grudge the four millions a year which we squander upon our colonies, when I consider what might be done with half that sum for the benefit of this country, and of the colonies, by means of systematic colonisation.

But to colonise beneficially, it is necessary that the higher and richer, as well as the poorer classes; that the employers of labour as well as the employed; that all classes of society should migrate together, forming new communities, analogous to that of the Parent State. On such principles alone have successful colonies been founded in ancient or modern times. On such principles the colonies of Greece and of New England were founded.

For instance, from the overcrowded cities of Greece the colonists departed under the guidance of their foremost men; they carried along with them the images of their heroes and their gods, whose common worship linked them for ever to their ancient home—arrived at their destination, they formed States after the model of the parent city; they flourished in wealth, excelled in all the arts of civilised life, extended the empire, and added to the renown of the Dorian or Ionian name. Not dissimilar in principle was the old English mode of colonising, except that our colonies, instead of commencing their existence as independent States, professed their allegiance to the mother country; but their charters gave them all the essential powers of self-government, and complete control over their internal affairs. They flourished rapidly, were most loyal, and sincerely attached to our empire, till we drove them into just rebellion by our new colonial system. Very different from these successful modes of colonising has been that of the Colonial Office. It has been either a shovelling out of paupers or a transportation of criminals, whereby some of the fairest portions of the British dominions have been converted into pest-houses of pauperism, or sinks of iniquity, polluting the earth with unheard-of diseases and unmentionable crimes. No gentleman, no man of birth or education, who knows anything about the matter, would ever think of emigrating to a colony, to be under the control of the Colonial Office. But if the colonies were properly planted, and self-governed according to the old fashion, then our kinsmen and friends, instead of overstocking the liberal professions, instead of overcrowding the Army and Navy, where no career is open for them, would seek their fortunes in the colonies and prosper. For we are by nature a colonising people. The same destiny that led our forefathers from their homes in the farthest east, still urges us onwards to occupy the uninhabited regions of the west and the south; and America, and Australia, and New Zealand, anxiously expect our arrival to convert their wastes into happy abodes of the Anglo-Saxon race.

In making these observations, I wish merely to show, that if vast sums of money are to be expended on the colonies, they can be expended in a manner far more beneficial to the interests both of the colonies and of the rest of the empire than they have been hitherto expended. I do not, however, intend to propose to the House any plan of systematic colonisation, or any grant of public money for that purpose. My only objects, at present, are reduction of useless expenditure, and reform of bad colonial government, which are things good in themselves without reference to any ulterior measures. But I will presume to express my belief that there is a great and noble career open for any statesman who, possessing the power, shall with firm and vigorous determination, curtail that expenditure, reform that system of government, and, at the same time, promote systematic colonisation. In what manner colonial expenditure can be curtailed without detriment to the interests of the empire, in what manner the system of colonial government can be amended for the benefit of the colonies, I have attempted to show; and in the hope that I have succeeded in proving that that expenditure ought to be curtailed, and that system of government ought to be amended, I take the liberty of moving the resolution :—

> " That it is the opinion of this House that the Colonial Expenditure of the British Empire demands inquiry, with a view to its reduction ; and that to accomplish this object, and to secure greater contentment and prosperity to the Colonists, they ought to be invested with large powers for the administration of their local affairs."

And if the Government will accede to this Motion, I give notice that next Session I shall follow up this subject by moving for a Committee of Inquiry.

Mr. HUTT rose with considerable diffidence to address the House, after a speech which had displayed such great ability and such extensive knowledge of the subject; but he rose with great confidence to second the Motion of the hon. Baronet. There was scarcely any opinion which the hon. Baronet had expressed in the course of his extended speech which he was not prepared to maintain and support. He agreed with the hon. Baronet that the large expenditure which this country undertook on account of its colonies was productive of very little beneficial result in its application. He believed, too, that this expenditure was sometimes admitted as a justification of the perpetual and mischievous meddling of the Colonial Office with the internal affairs of the colonies. The idea of colonial administration to which these evils were incident was a very miserable substitute for the policy which in former times regulated the relations between this country and the colonies; that policy was inexpensive, it was practically beneficial to the colonies, and did not require that those who administered it should be overwhelmed with an amount of business which no human capacity could properly execute. He was astonished that Earl Grey should have been led for one moment to support such a system as this. Did the system work well? The working was absolutely ridiculous. Look at the present feeling existing in the colonies in regard to their administration. It was said this was one of the ancient institutions of the country; that it was hallowed by long associations. The very reverse was the fact. Gentlemen were alive who remembered the time when no Colonial Office existed. It was not his intention to speak with disrespect of the noble Lord at the head of the Colonial Department; but to whatever individual the fault might be attributed, it was notorious that the working of the Colonial Office was in the highest degree unsatisfactory; and one of the most offensive features in the system arose from the fact of its perfect irresponsibility. There was a strange and mysterious agency always at work in the Colonial Office, with which nobody could cope, and which nobody could understand. A party of persons interested in one of the colonies paid a visit, in the character of a deputation, to the Secretary of State. They laid before him some colonial evil, and asked for redress. A remedy was proposed, and the parties took leave of the Minister, thankful for the kindness with which he had attended to their interest; and reported to their friends that nothing was more satisfactory than the interview they had had. They expected they were going to have their grievances redressed; but by and by, on the same evening perhaps, at some dinner party or ball room, some *attaché* of the Colonial Office made it apparent that all their expectations were idle—that the Colonial Office had no intention of carrying out the measures—and that in fact the deputation had only lost their time, and mistaken their errand. What could be more offensive than to find that these irregular communications—these backstairs announcements—were better founded than the solemn assurances of the

Secretary of State? It was impossible that these sort of proceedings could often go forward without creating extensive and well-founded discontent; for this irregular influence was always exercised on the side of obstruction and bad feeling. His hon. Friend had called attention to the most flourishing colony of South Australia. That colony had the single advantage of costing this country nothing. The persons who founded that colony deserved every encouragement from the Colonial Office; but the whole encouragement they had received from the Colonial Office would afford an entertaining article in the columns of *Punch*. The colony of South Australia was formed in spite of the Colonial Office: it was now the most flourishing colony of the British Crown. The Colonial Office had an unlimited extent of fertile soil at their disposal; at home there was a people entirely disposed to colonisation, and gifted with qualities most calculated to succeed. There was a large amount of the working classes suffering from the circumstances of the times, and most anxious to obtain employment in distant dependencies. There was also any amount of capital which could be employed with safety. With such elements, wisely and judiciously combined, the most magnificent results might be expected. What were the results? The Colonial Office had made such use of these elements that they had rendered anything which deserved the name of colonisation almost impossible. He could appeal to the hon. Member for Liskeard, if in making this broad assertion he was not using the language of soberness and truth. Who were the parties who now proceeded to our colonies? Men of no character, adventurers and malcontents, and believers in *El Dorado*—men who did well in no country—formed the bulk of the present settlers, and it was out of materials such as these that you expected to produce great and flourishing colonies. There was at this moment a great desire amongst the working classes to emigrate to the colonies, and there were thousands of men in England pining for opportunities of distinction, willing to confront any trial, if it would only lead to a career of honourable enterprise—men inferior in no high quality to those colonists who laid the foundations of our colonial empire—men whose presence amongst the emigrants would be an incalculable blessing both to them and any settlement to which they might proceed, but who would not hear of the colonies on the terms on which they were now offered them. It used to be said that the bold Anglo-Saxon colonists brought their Lares and their Vates with them; but that was not exactly the fact, for they carried no such things with them. It was true they carried the Habeas Corpus Act and the Bill of Rights with them, and every colonist might go to church on a Sunday if in the colony in which he was placed he had a church to go to. The most peculiar characteristic, however, of the system of colonisation was, that we, who were a monarchical people, had spread persons of democratic principles over the globe. It had been remarked by Mr. Fox of the British, that there was no system but the British constitution under which a British subject could live with comfort; but he had not described the character of the colonies. He believed that the subject was of the greatest importance—that the destinies of this country were intimately connected with our future colonial policy; and he was firmly impressed with the conviction that more depended upon our colonial policy than ever depended upon the issue of a battle, or upon the approach of a revolution. British colonisation was one of the most important subjects which could engage the attention of Parliament, and therefore he had pleasure in seconding the Motion.

Mr. HAWES thought, whether he regarded the importance of the subject involved in this debate, upon which he entirely concurred with his hon. Friend who had just sat down—or whether he considered the magnitude of the subject, or the multiplicity of details which it involved—and admitting fully at the same time the propriety of discussing it; he must at the outset ask the House to extend to him its kindness and indulgence while he drew somewhat largely on its attention. Both his hon. Friend who supported the Motion, and the hon. Baronet who introduced it, had impugned not only the colonial policy of the present day, but the whole colonial policy of England. Reproaches, too, had been heaped upon the Colonial Office and his noble Friend now at the head of it—reproaches in which he begged humbly to take his share. [Mr. Hutt: If the hon. Gentleman alluded to him, he begged it to be distinctly understood that he cast no reproaches upon the noble Lord at the head of the Colonial Office.] He thought that what fell from his hon. Friend the Member for Southwark (Sir W. Molesworth), did cast not only reproach upon the colonial system, but upon those who had long and now administered it. Now, it was not for him to presume to defend all the errors and defects which might in past times have characterised our colonial system; but this he did say, that our colonial policy, taken as a whole, was the most successful and the most beneficial which the world had ever witnessed. He asked hon. Members who thought otherwise to point to any foreign colonial possessions either now or in past times where there had been the same success and the same progress. Let them point to any system of colonial government, ancient or modern, where free popular institutions had been so systematically established—where a free press and trial by jury were universally conceded—where personal liberty and political power were so fully enjoyed, so freely conferred, as in the colonial possessions of the British empire. This was the system of colonial government he defended. Both his hon. Friends had referred to and lauded what they were pleased to call "the old colonial system." Now, much as he had endeavoured to ascertain what that system was, he owned that the phrase referred to conveyed to his mind no very definite idea. He had heard it said that the old colonies of America were to be taken as a model by which we were to be guided in amending our colonial system. Now, he hardly knew one of those colonies which had not been exposed to the direst vicissitudes and misfortunes and disasters, recurring, too, through long periods of time; and when hon. Gentlemen talked of colonies to be formed and founded, comprising every grade of society, he asked them to tell him when and where they found members of the aristocracy, and men of great eminence under the older colonial system, going out for the purposes of colonisation. They might be found going out for the purposes of gaining wealth, tempted by the possession of slave labour—they might find them going out simply from motives of gain—but certainly not for the purpose of colonisation in the sense in which we now understood the term. He believed there was not one colony of recent foundation to which we might not point as a triumphant contrast to the chequered progress of the old American colonies. Whether we looked to New Zealand, or South Australia, or Port Philip, or any other place where we had attempted to found a colony—everywhere the most marked success had attended our efforts, so much so, that it ought to encourage us to continue in the course which contrasted so beneficially with the older colonies to which reference had been made. Not one of the old American colonies had succeeded so rapidly, for instance, as South Australia—not one. He was, therefore, not disposed to recur to the old colonial system, as it was called, when he remembered that it comprehended both monopoly and slavery within its supposed elements of success—nor was he disposed to look with favour upon that system until he had ascertained more definitely from his hon. Friend what that system really was to which he referred. The hon. Member for Southwark had referred to the patronage of the Colonial Office. He thought he had heard him say, that none but needy adventurers, men with Parliamentary influence, were appointed to important positions in our colonies. His hon. Friend, he thought, might have recollected name after name of men who had held high office in the colonies, some even at the present moment, which would give the most decisive answer to this charge. He did not now speak of the exercise of patronage by his noble Friend at the head of the Colonial Department—what he said applied to and included those who had preceded him. His hon. Friend might have recollected the names of many Governors of our colonies, which would show to the House that men of distinguished ability and the highest character had then, as now, been called to fill official positions. He might have recollected the name of Lord Metcalfe first in Jamaica, and subsequently in Canada; of Lord Elgin also, first in Jamaica, and afterwards in Canada, which he now so ably governed, in harmony with the feelings and wishes of the people; of Sir Harry Smith at the Cape of Good Hope; of Sir W. Colebrooke, now going out to Barbadoes—men all marked out by peculiar ability, and eminently fitted for their duties. It appeared to be necessary to remind the House of these appointments, since they were overlooked by his hon. Friends. They were now speaking not to England only, but to the colonies, and it was important to show that the appointments to high places in our distant possessions had not been made from the unworthy motives which had been assigned; but that men had been appointed whose ability had been proved by the success which had attended their administration. He might refer to more recent appointments—to Mr. More O'Ferrall, Governor of Malta. Was there any man could impugn that appointment? To Captain Grey, Governor of New Zealand. Was there any man could impugn that appointment? To Lord Harris at Trinidad, and to many others, which would equally show that the motives assigned had not influenced these appointments to the government of our colonies. His hon. Friend had said, that he was for conferring upon the colonies at once a large measure of self-government; but he understood him at the same time to say, that he was for abandoning none of our colonies. It followed, therefore, as a general rule, that all our colonies should be self-governed. Now, he admitted to a very large extent, that wherever a colony was found fitted for that form of government, the home authorities were bound to confer it; but when his hon. Friend looked over our colonial empire, he would find that that general maxim admitted of great and necessary qualification. Take, for instance, Canada, where self-government has been carried to the utmost point. Did his hon. Friend mean to say that he would apply the same form of government to the little island of Nevis? Take the Mauritius, which was excluded from self-government. That was a colony partaking of a military character as well as a colony; in which imperial interests had to be consulted, as well as the welfare of the colonist. Both could now be reconciled. But if a perfect system of self-government prevailed, imperial interests would clearly become subordinate, and in the upholding of these interests the colony was deeply interested. Then, again, where there were hostile races, or where Europeans were in a minority, would his hon. Friend give local self-government to a mere European minority, and thus, perhaps, place absolute power in their hands? It was here that the moderating influence of the Crown came in, and had been useful in maintaining a harmonious action between hostile races and between unequal numbers of different races; a result which, from obvious causes, could scarcely be expected from placing power without control in the hands of a European minority. Experience here was a safer guide than mere speculation. Our colonial possessions might be grouped in four classes. There was first our territorial possessions, over the surface of which we sought to diffuse our race, name, and language. They varied essentially one from another. Such were our North American and Australian colonies, New Zealand, and South Africa. Then there were the plantations, the great object of which was to supply tropical produce to this country. There were great anomalies and difficulties in the way of applying self-government to these islands, obvious to the most casual observer. Then there were our trading possessions, our great commercial depôts, such as Hong-Kong, Labuan, and our various possessions on the west coast of Africa. Those possessions were held for different purposes of policy and interest, and did not admit of one uniform system of government. Then there were the great military stations, but which he understood his hon. Friend did not mean to include in his sweeping policy. This general survey of the colonial possessions of the country showed the impossibility of subjecting them to any one system of government. The government must be varied with the variation of their necessities and peculiarities, which forbade, even if it were possible, the uniform application of one system through all our colonial possessions. He quite agreed with the hon. Baronet in thinking that local self-government ought to be the rule. He was not at all disposed to interfere with that as the general rule; and, whenever a colony or a community was fitted to receive that form of government, it ought to be the first duty of this country to confer that privilege upon it. He was prepared to show, that this had been the guiding principle of our colonial policy. Whilst he was glad to hear that his hon. Friend did not propose to abandon the colonies, it followed, whilst they were retained, that some form of home or central government must exist, whether, as now, by the responsible superintendence of the Secretary of State for the Colonies, or by a colonial commission as proposed by some high authorities. But a home or central authority must be retained in some form or shape very similar to that which at present existed. The hon. Member for Gateshead had talked of the despotic authority of the Colonial Office; and so did the hon. Member for Southwark. What did they mean? Despotic authority! Where was it exercised? The Colonial Minister was amenable to Parliament. The humble individual who now addressed the House was there to explain and defend, as far as he thought it could with justice be defended, the colonial policy of the country. The debates relating to the government of New Zealand could scarcely be forgotten. They were an answer to the charge of despotic authority. And equally so was the power of moving for papers which the House possessed. The debates upon the government of New Zealand, the full disclosure of every transaction in that colony, were equally an answer to the allegation that any secret influence existed—a charge rather made to give zest to speeches in that House, than founded upon fact. Such an imputation was calculated to injure the just authority of the Colonial Government; and he regretted that for a mere passing purpose such observations should be made. But he would now proceed to state how far the principles of self-government, or responsible government, had been recognised as part of that colonial policy which he defended. Would any one deny that Canada possessed the largest measure of self-government? She made her own laws with scarcely any interference; she imposed her own taxes; she expended their produce. She possessed the largest powers of self-government any colony ever possessed. Not only had she local self-government, but she had responsible government; and never had Canada enjoyed it so fully as since Lord Elgin had held the reins of government. He acted without reference to one party or the other; and the Ministry he appointed to conduct the affairs of the country was the Ministry in which the majority of the Assembly had confidence. Such was the principle of colonial government in Canada; and he must add, that Canada, when throughout Europe the greatest anxiety prevailed, and the greatest changes were taking place, was perfectly tranquil and contented with the Government she possessed. In Canada, no attempt had been made to create either excitement, or even advocate a change of government. On the contrary, the people relied on the Government they had, which was that of the majority of the Assembly; and in conformity, therefore, with the wishes of the majority of the people electing the members of that Assembly. Canada, then, presented a case in which responsible government had been carried to a practical and successful result. New Brunswick presented another instance. There a complete system of local self-government existed. He held in his hand an extract of a despatch which his noble Friend at the head of the Colonial Department had addressed, in June, 1848, to the Governor of New Brunswick:—

> "The principle on which, in my judgment, the Governor of a representative colony, such as New Brunswick, should act, is that of endeavouring to form such a council as he thinks will command the greatest confidence from the inhabitants and their representatives, and, when constructed, to give to it all fair support in carrying on the government of the province, while at the same time he should carefully abstain from committing himself to the interest of any one political party in such a manner as to place him under any difficulty in giving similar constitutional support to their opponents, if through any change in public opinion, a change of his council should become necessary."

Such were the principles on which his noble Friend had acted with respect to New Brunswick. The hon. Baronet seemed to think he had enunciated a new principle, which had never heretofore been acted on. In Nova Scotia, again, a change of Administration had taken place. The province was satisfied with the change; and the Administration was now conducted by the new Ministry, having the assent of the Assembly, and the Governor giving them his cordial support, according to the instructions of the noble Lord at the head of the Colonial Department. He would quote a passage from a despatch dated November 3, 1846, addressed to Sir John Harvey, the Governor of Nova Scotia, in which his noble Friend said—

> "The object with which I recommend to you this course, is that of making it apparent that any transfer which may take place of political power from the hands of one party in the province to those of another, is the result, not of an act of yours, but of the wishes of the people themselves, as shown by the difficulty experienced by the retiring party in carrying on the government of the province according to the forms of the constitution."

Well, then, Nova Scotia also had a constitution, had local self-government. Generally, the North American possessions of this country enjoyed the large and full fruits of the British constitution. But the hon. Member for Southwark made some rather harsh observations on the Bill of his noble Friend for the government of New Zealand, overlooking altogether the liberal and constitutional character of that Bill. The hon. Member was not very accurate in what he said. That Bill, he was disposed to think, did confer a good constitution; in that Bill, for the first time, there was introduced this most important provision—a provision for a franchise to the native population. It was, he believed, the first time in the history of the colonies that the attempt had been made to introduce the natives to the exercise of political power; and there were many who would soon become qualified to exercise the privileges conferred. A more intelligent race did not exist—men more fitted to make good subjects of the Queen. With respect to Australia, his hon. Friend had said, the constitution had given great dissatisfaction in the colony: now no constitution had been proposed. How stood the fact? A despatch, not a Bill, had been sent out to elicit the opinions of the colonists. The object of his noble Friend was to place a general measure before the colonists. Their opinion was adverse to the scheme thus propounded—the Bill which Lord Grey intended to propose was at an end—and the future Bill which, in consequence, it might be his duty to propose—would be founded upon the existing constitution of New South Wales, with full power to amend it as the wants or wishes of the colony should suggest. That was surely not a measure indicating despotic authority, or a determination to govern the colonies without consulting them. Then it was said, the Cape ought to have representative government. What had been done? His hon. Friend had attempted to show that an indisposition existed on the part of the Government to grant a constitution and local self-government to the Cape. The fact was quite the reverse. Among the papers printed and presented to the House was a despatch dated the 10th of December, 1841, from Sir G. Napier, then Governor of the Cape, to Lord Stanley, recommending a representative government for the Cape. Lord Stanley replied in a despatch, in which he made many objections to the scheme, but expressed a hope they would be successfully met. But the noble Earl at the head of the Colonial Department, having had his attention called to the subject, addressed the Governor in a despatch dated the 2nd of November, 1846, as follows—

> "I turn now to a totally different subject, on which I hope to receive the benefit of your advice and assistance so soon as the settlement of the affairs of Caffraria shall have left you leisure for the purpose. I advert to the applications which have been addressed to Her Majesty for the establishment of a representative form of government in the colony of the Cape of Good Hope. Her Majesty's Government entertain the strongest prepossessions in favour of that system of colonial polity, and will be prompt to avail themselves of any opportunity of extending it to the British settlements in Southern Africa."

The House was aware that the progress of the Cape had been interrupted by the Kaffir war; and that the consequent state of the colony was unfavourable to the establishment or consideration of constitutional government. But peace had been restored; and to show that this great principle of our colonial government was not forgotten, he would now quote a passage from a despatch of Sir Harry Smith, dated December 10, 1847:—

> "I propose to myself, with reference to your Lordship's despatch to me of the 10th of September last, to embrace in one general report the remodelling of the whole of this Government upon a comprehensive view, ever regarding popular representation as the true English form of government."

Thus the first thing Sir H. Smith did after the termination of the war was to turn his attention to the civil government of the colony; and they had his assurance that he would speedily make a report upon the civil government of the Cape upon a popular basis. Passing now from their territorial possessions, they came to their colonies in the West Indies — the plantations. Here a different state of things existed: there were small European communities, and a large coloured population. Whether in Trinidad, or the smaller islands, or in British Guiana, the observation applied to all. He asked his hon. Friend if he was prepared to confer upon these colonies local self-government? If so, one of two things must happen. They must either take precautions to secure a large and extended franchise for the coloured population, or they must prepare for the small European minority exercising a power over the coloured population without control — a power he doubted whether any one who was well acquainted with these colonies would wish to see thus exercised. He spoke advisedly when he said—and he was sure that every one acquainted with the legislation of the West Indies for the last ten or fifteen years would bear him out—that the tendency of that legislation had been to pass laws with reference to the labouring population which would have more or less placed them in a state of entire subserviency to their masters; and he believed the influence of the Crown had been most beneficially exercised in controlling, on the one hand, the power of the Council and the Assembly; and on the other in restraining the labouring population, and maintaining a harmonious action between those two portions of these communities. But then, it was said that colonies possessing representative assemblies conducted their affairs more economically than those governed by the Crown. Now, they had no returns sufficiently correct to form any sound judgment upon this point. He must state candidly that he had found the greatest difficulty in obtaining anything like an accurate account, whether of population or of finance, or the expenditure and cost of government in the West India colonies having representative assemblies. He must candidly state, that if there were any colonies with regard to which there existed difficulties in ascertaining these matters, they were our West India colonies. New Zealand, New South Wales, and Australia supplied statistical returns of the greatest accuracy; but this was not the case with the colonies he had referred to. And with regard to the calculations of his hon. Friend, especially those relating to New South Wales, it must be remembered that the rapid introduction of 40,000 or 50,000 emigrants would alter materially the cost of government, and affect the general result when the cost of government was measured by its comparative cost per head of the population. Without accurate information on these points, therefore, no results on which dependence could be placed could be obtained. He would refer to one instance. He held in his hand a return of the cost for one year of the government of British Guiana. The total cost, including military expenses, (which were 42,000*l.*,) was 313,000*l.* The mother country only contributed the amount required for military protection, stipendiary magistrates, &c.; and of the 270,000*l.* which was raised by the colony, 100,000*l.* was spent in immigration. [Mr. BARKLY: You mean dollars.] No. The accuracy of the amount was undoubted; 100,000*l.*, not dollars, was spent in the importation of labourers; but his hon. Friend (Sir W. Molesworth) had not directed their attention to this point. [Sir W. MOLESWORTH specially excluded the expenses of immigration.] He did not so understand the statement of the hon. Baronet, and had therefore selected this colony as presenting a remarkable instance of the apparent cost of the government, whilst it included so large an amount for the importation of labour. Again, his hon. Friend had pointed out Hong-Kong as a settlement where great extravagance prevailed, and, as he understood him, he objected to the policy which led to its formation. Now, when he referred to the reports from Hong-Kong, he found strong proofs of the wisdom of those who founded it. Sir J. Davis, in a despatch dated the 13th of March, 1847, forwarded the third blue book of the colony, being for the year 1846, which showed that the income for that year had increased, from 22,000*l.* to 27,000*l.* in 1847; and further, that whilst the income had increased, the expenditure had diminished, the difference amounting to 6,375*l.* Thus, while the income was increasing, the expenditure was decreasing. Hong-Kong was an important station, and was maintained for the protection of our trade, and not for the sake of patronage; and it could only be upheld by the aid of a naval and military force. But it was not fair to charge that expenditure upon the colony. Indeed he might here remark that if they had no colonies they would still be obliged to maintain a large fleet and a considerable force for the general protection of trade and commerce; so when the hon. Gentleman spoke of the packet service in connexion with our colonies, he must protest against the hon. Gentleman's inference, because it was clear that that service must be maintained, whether they had colonies or not. In the review which his hon. Friend had taken, he had but slightly noticed the island of Ceylon. Now, he was happy to tell the House that the fixed establishment in Ceylon had been recently placed under the review of the Council; and he was confident that in that island, as in other colonies, great reductions of expenditure might be and would be made. The tariff had been revised, and duties largely reduced already. He quite agreed with his hon. Friend, that it was their bounden duty to reduce the colonial expenditure in every case as far as was compatible with efficiency; and with regard to Ceylon, they had an earnest of this declaration by the Legislative Council having been called upon to review the cost of the fixed establishments, which had hitherto been withheld from their control. Many complaints had been made of the cost of the government of the Mauritius; but in September last, when there was a great probability of a commercial crisis in that colony, his noble Friend (Lord Grey), seeing the approach of difficulties, urged upon the colonial government the duty of reducing the expenditure, and, consequently, the taxation of the island. They had now received from the Governor a reply to these instructions, from which it appeared that there had been effected a reduction of taxation to the amount of 65,000*l.*, including an immediate relief to the planters to the extent of 30,000*l.* a year, by taking off the stamp duty on the indentures of labourers; and relief to other classes to the extent of 20,000*l.* He had now shown, that as regarded self-government there was every disposition to establish it where the colonies were in a condition to receive it; and as regarded the expenditure, he had shown two marked instances, namely, Ceylon and the Mauritius, where taxation had been greatly reduced. He had proved that the Colonial Office had not been altogether idle in administering the affairs of the colonies. He would not detain the House to show the effect of our colonial policy; but it was important to state that our colonial trade was an increasing trade, whilst the cost of government was not increasing. The hon. Baronet had stated that for every pound sterling of exports 9*s.* were paid for the expenses of colonial government. If that were true the colonial system would indeed be indefensible on account of its extravagance; but he was confident that more accurate examination would show that it was incorrect. In 1845 the total value of British manufactures exported to the colonies was 15,100,000*l.*, and that of the exports from the colonies was 13,400,000*l.* [Sir W. MOLESWORTH had referred only to our exports to the colonies; he never thought of introducing the value of colonial exports into the calculation.] He thought he was justified in taking both: if the cost of colonial government was to be thus tested, it should be proportioned to the whole capital employed; and not charged only on one portion of it; and looking at the case in that point of view, it would be seen that the cost of colonial government was far less than 9*s.* in the pound upon the value of imports and exports combined. Remarks had been made upon what was called the meddling policy of the Colonial Office; and the hon. Member for Gateshead had observed that South Australia would become a flourishing colony if the Colonial Office would but act wisely. [Mr. HUTT: I said if the Colonial Office would let it alone.] Let it alone! Why, if it had not been for the Colonial Office, the colony would have been bankrupt. South Australia had been essentially a pet colony with some gentlemen, and its management was assigned to amateurs. The result was, that they brought the colony to the verge of bankruptcy, and were obliged to come to the Colonial Office for a loan of 200,000*l.* Subsequently the government of the colony was transferred to the Colonial Office; and from that moment to the present it had been progressively in a flourishing condition. With reference to the royalties on mines which had been referred to in terms of complaint, he begged to inform the House, that the tax had been established by Lord Stanley, after the most careful consideration. But the system had this inequality—that it only applied to some of the mines, because in many cases these had been opened after the land was sold, with all the minerals beneath it. Well, representations had been made to his noble Friend on the subject. His own impression was that the tax was a fair one; but representations continued to be made, and almost the last act of Earl Grey was to remove those duties. Now, before hon. Gentlemen made sweeping assertions, some inquiries ought to have been instituted. [Sir W. MOLESWORTH: When were the royalties removed?] Very recently. [Sir W. MOLESWORTH: Within the last three or four days?] No. The abolition had taken place sometime back, though only recently communicated to the colony. The progress of this and other colonies showed that the colonial policy of England had not been so unsuccessful as the hon. Baronet represented, in proof of which he might refer to the progress which Port Philip had made. In 1844 its revenue was 69,000*l.*, in 1846 it was 96,000*l.*; in 1844 its imports amounted to 151,000*l.*, in 1846 they reached 316,000*l.*; in 1844 its exports were 256,000*l.*, in 1846 they amounted to 425,000*l.* As regarded South Australia, to which he had already referred, the result was equally gratifying, as the following comparative statement would prove:—

RETURN SHOWING THE GENERAL CONDITION OF SOUTH AUSTRALIA IN THE YEARS 1840, 1845, AND 1846:—

	1840.	1845.	1846.
Total population...	14,610	22,390	25,893
Acres in cultivation	2,503	26,218	33,292
	£	£	£
Exports of colonial produce	15,650	131,800	312,838
Revenue	30,199	32,099	52,406
Expenditure ...	169,966	36,182	49,388

The copper ore exported from South Australia in 1844 was valued at 4,009*l.*, in 1845 at 17,179*l.*, and in the two quarters of 1846 at 54,168*l.*"

Take any one of the Australian colonies, and it will show a similar progress. It was true that upon some points, such as the minimum price of land for instance, dissatisfaction might prevail; but, generally speaking, the colonies were progressing, and these colonies, if tested by the generally thriving condition of settlers, might fairly be described as happy and contented. New Zealand was another instance of successful colonisation. [MR. HUME: No thanks to the Colonial Office.] The New Zealand Company applied to the Colonial Office for a loan, which was granted to a liberal amount, and by the great ability and sound judgment of the Governor, Captain Grey, and the renewed exertions of the Company, the colony since that time had made rapid progress in prosperity. He would read an extract from a despatch of Governor Fitzroy to Lord Stanley, dated the 16th of September, 1844, which described the miserable condition of New Zealand at that time:—

> "The state of this colony is unprecedented and most critical; but I trust that the blessing of God on our utmost exertions in so good a cause will enable us to surmount every difficulty, however threatening. We have no money, except the paper currency reported in my despatch of the 15th of April last (No. 11). The receipts of customs are diminishing monthly, owing to general poverty; fees on grants to land cannot be paid, for the same reason; and near 400 deeds of grant which I have signed since my arrival, are now lying in office, because those in whose favour they are made out are too poor to pay the fee required by law."

He would now refer only to the last despatch of Governor Grey, which was dated the 17th of March, 1848, to show the present state of the colony:—

> "Firstly, I would generally report that peace and tranquillity prevail throughout every portion of New Zealand; that the general revenue is rapidly increasing; and that internal traffic and commerce are rapidly extending themselves—so much so, that I should think the native trade in manufactured goods had already become an object of some consideration to British merchants; although, as a great portion of this passes through Sidney, it may appear in Great Britain to be a trade with New South Wales. Secondly, upon the state of the native population generally, I would report that they are making rapid and remarkable progress in the arts of civilised life. The various reports I have transmitted upon their employment by the Ordnance department—upon their construction of roads and bridges—upon the number of small vessels owned by them—must all have elucidated the progress the native population are making."

Thus the native population was advancing in prosperity, and partaking in the general advantages of civilised government, making not an unimportant feature in the progress of modern colonisation. As regards the revenue, Governor Grey, on the 15th April, 1847, thus addresses the Secretary of State for the Colonies:—

> "In my despatch (No. 46) of the 12th May last, in stating the probable revenue for 1847, I estimated it at only 22,000*l.*, adding that probably the estimated amount might fall below the real revenue, but that I thought it better to incur the risk of erring upon the side of under-calculating the revenue, rather than upon that of leading Her Majesty's Government to form too favourable an opinion of the financial state of the colony; at the same time I recorded my belief that the revenue would shortly exceed the estimated amount, and continue rapidly to increase. Probably the best idea that can be given of the increase which is taking place in the revenue will be conveyed by my stating, that the revenue of the colony of New Zealand, for the year 1845, amounted to only about 6,422*l.*, or only to one-sixth of the revenue for the year 1847, calculated on the present rate of revenue, which will, however, I believe, rapidly increase."

His hon. Friend had largely insisted on the excessive expenditure, naval and military, which appeared to have taken place in connexion with the colonies. Papers on the subject were presented to Parliament in 1832, and again in 1843 and 1844. He had his attention directed to these papers some time back, and he owned that he was struck with the rapid increase of the colonial expenditure, chiefly under these heads. Upon comparing the years to which he had referred, he found that the increase in the expenditure amounted to about 700,000*l.* In order to ascertain the cause, he had an account made out in detail, showing, under every head, how the increase arose; and one broad result was rather remarkable. He found, upon looking into the account, that nearly the whole of that increase was confined to three colonies—Canada, the Cape of Good Hope, and New South Wales; the latter being a great military station, and including New Zealand. To a certain extent he considered this a satisfactory result, because he thought that the present condition of these colonies would place it in the power of the Government to reduce that expenditure. In all, war had ceased. The civil expenditure had not increased much—not more than 40,000*l.*; and when the House came to consider that new settlements had been made at St. Helena, the Falkland Islands, South Australia, and North Australia, the explanation of that increase was apparent. Neither had the naval expenditure increased much, the increase being not more than 8,000*l.*

He was bound to admit, however, that he thought the general expenditure, both that which might be considered imperial, as well as that which was properly colonial, might be reduced; but he did not think that that could be done by granting, without discrimination, local self-government to all the colonies. The rule which he would venture to lay down was, that as soon as a colony had arrived at that amount of population, and attained that amount of intelligence, which could furnish the materials for good government, that then it was the bounden duty of a Secretary of State to grant local self-government. His hon. Friend had alluded to the constant interference of the Colonial Office with the legislation of the colonies. In order to ascertain the amount of that interference, a paper had been prepared, which showed that from the 1st of January, 1847, to the 30th of June, 1848, no less than 912 laws or ordinances had been passed by colonial legislatures, of which only 55 had been objected to by the Colonial Office. He had the detailed objections in his hand, and if examined they would be found fully to justify this much misrepresented interference—they were objections calculated rather to improve than to impede good legislation. He was quite aware that the Colonial Office did not just now enjoy the good opinion of many of his hon. Friends; but he was at a loss to conceive or to trace that dislike to any clear or intelligible cause. It was an office which must at all times be more or less verging upon unpopularity. Every man who had a crotchet upon emigration ran to the Colonial Office, and unless his plan were immediately adopted, of course he was a disappointed man. Again, it was sometimes the duty of the Colonial Secretary to discharge a colonial judge; and they and all their respective friends, of course, looked upon all connected with the office with a prejudiced eye. Colonial Secretaries sometimes had to remove persons holding important public situations, and those persons had their friends, who raised objections to the Colonial Office. But if the House would call to mind who had been the Colonial Ministers in past years, they would see that a general imputation of what was called despotism must be altogether unfounded. When the House recollected that Mr. Huskisson, Lord J. Russell, and Lord Glenelg had been Colonial Secretaries, he did not think that a desire to exercise despotic authority could be attributed with much justice to them. He could say with confidence that he believed those who had filled this high office, down to the time of the right hon. Gentleman opposite (Mr. Gladstone), and including him in that eminent list, had conferred the greatest possible benefit on the colonies, and had been actuated by the purest and most disinterested motives. He had now brought the observations which he had to make on the Motion of his hon. Friend to a conclusion. He had not the least objection to the Motion, which only carried out that course of policy which he had endeavoured to describe. He thought that the passing of the resolution would strengthen the hands of his noble Friend, and enable him to proceed still further in the prosecution of the views which he entertained. At the same time, he certainly could not concur in many of the statements made and views expressed by the hon. Baronet the Member for Southwark, which, if carried out, he thought must end in the abandonment of our colonial empire. It might be difficult now to foresee what relations the colonies would bear to this empire when they enjoyed that perfect local self-government which the hon. Baronet indiscriminately advocated. But even if this policy were adopted wisely and opportunely, he trusted that other ties would spring up which would bind the colonies as closely as ever to the mother country. At present there were between them the common ties of language, of kindred, of free institutions, and of great advantages bestowed and received; and he hoped that this great change, necessary and inevitable as it was fast becoming, would tend to bind the colonies in a closer connexion than before with the Parent State, by inseparably identifying their interests with the prosperity and strength of the empire at large.

Mr. MANGLES thought that the hon. Member the Under Secretary for the Colonies had been very successful in showing the improvement that had taken place within a recent period; and if the hon. Gentleman had confined himself to the recent administration of the colonies, he would have done very well. The hon. Gentleman, however, with more of chivalry than of prudence, went back through a long series of years defending all that had occurred. He thought also, that the hon. Gentleman would have been more prudent, as well as more generous, if he had not taunted the New Zealand Company with having received a loan. The hon. Gentleman ought not to have forgotten that it was admitted by all that the distresses of the company had been produced by the manner in which they had been thwarted by the Colonial Office until they were driven into a state of bankruptcy. The hon. Gentleman had alluded to the inconvenience which arose from the constant changes in the Colonial Office; but he had not proposed any remedy for that inconvenience. He thought that there should be a permanent board of commissioners or directors for the management of the Crown colonies, similar to that which had acted so well for the management of British India. The system under which the Indian empire was managed had been admitted not merely by Englishmen, but by foreigners, to have succeeded admirably; and why should not a similar system be extended to the colonies? For the last ten years there had been a change in the administration of the Colonial Office on an average once in every sixteen months, and the inconvenience thus produced was one of very considerable magnitude. The noble Lord had been, he believed, convinced, for many years past, of the advantage of giving representative governments to the colonies; but what answer was it for the hon. Gentleman to say that Earl Grey was now in correspondence with Sir Harry Smith about giving a representative government to the Cape, when he (Mr. Mangles) recollected that for twenty years past that colony had been petitioning for a representative form of government?

Debate adjourned.

House counted and adjourned at a quarter past Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, July 26, 1848.

MINUTES.] PUBLIC BILLS.—1° Paymasters Offices Consolidation.

2° Life Policies of Assurance; Piracy.

Reported.—Sale of Beer; Regent's Quadrant Colonnade.

PETITIONS PRESENTED. By Mr. W. J. Fox, from Kirtlebridge, and its Neighbourhood, Dumfries-shire, for the Adoption of Universal Suffrage.—By Lord Rendlesham, from Woodbridge, Suffolk, respecting Clerical Offences.—From the Churchwardens and Overseers of the Parish of Cirencester, for Rating Owners in lieu of Occupiers of Tenements.—By Mr. George Thompson, from John Smith, of the City of Bristol, for Inquiry respecting his Suit in the Court of Chancery.—By Mr. Monsell, from the Limerick Chamber of Commerce, to Prevent the Desertion of Seamen.—From the Guardians of the Cirencester Union, against the Poor Law Union District School Bill.—By Lord Charles Wellesley, from the Guardians of the Ramsey Union, in the Counties of Hants and Wilts, for an Alteration of the Poor Law Union Charges Bill.—By Viscount Morpeth, from New Windsor, in favour of the Windsor Castle and Town Approaches and Improvement Bill.

PARLIAMENT (IRELAND)—ADJOURNED DEBATE.

Order of the Day read for resuming the debate on the Motion for leave to bring in a Bill to repeal the Union, adjourned from the 11th of April.

MR. R. M. FOX said, that as the hon. and learned Mover of this Motion (Mr. J. O'Connell) was absent, and with him the greater part of the Repeal Members, he would move that the debate be adjourned until that day three months.

SIR B. HALL thanked the hon. Member for saving him the trouble of making this Motion. It was better that the order should be discharged, or the debate adjourned on the Motion of the chief promoters of the repeal question, because it showed the fallacy and absurdity of the whole proceeding. He believed the hon. and learned Member who had brought forward this Motion had never had the intention of going to a division upon it. He had not been in the House since he made a speech of four hours' length in introducing the subject; then away he went, and no more notice was taken of it. He hoped the House would, after this, hear no more of hon. Members going over to the other side of the water, and saying that the House of Commons would not entertain the subject of repeal. Let them in future say, on the contrary, that there were a great many Members ready to discuss it, that it stood first in the Orders of the Day, and that it came on after a promise that it should be persevered with. On Monday last he inquired whether the Repeal Members had made up their minds to resume the debate, and he was then assured that the debate would be resumed to-day. A circular had also been sent out that morning to state that the matter would be brought on, and now, at twelve o'clock, the Repeal Members had the modest assurance to move that the Order of the Day should be discharged. Such conduct rendered the whole thing contemptible and ludicrous; and he hoped they would hear no more of the repeal of the Union, unless Irish Repeal Members would, at the same time, say that they had withdrawn the proposition themselves.

MR. REYNOLDS had a sufficient catalogue of errors and omissions of his own to answer for, and was not prepared to take any part of those chargeable upon his hon. and learned Friend the Member for the city of Limerick (Mr. J. O'Connell). He was not disposed to vindicate him from the attack of the hon. Baronet, because he appeared to have a kind of right to lecture his hon. and learned Friend. It was a portion of the hon. Baronet's stock in trade, and he would not therefore interfere with it. But, having expressed his determination to join the other Repeal Members in bringing forward this subject, he begged to state that he had acted with perfect candour on the subject. On the night alluded to by the hon. Baronet all the repealers that could be mustered together, amounting to nine, being all the Members of Parliament friendly to repeal who were then in London, assembled in a room in that House, and unanimously resolved upon bringing on the Motion for Repeal to-day. He ought to state, that although they finally resolved as he had stated, there was some difference of opinion between them in the early part of the discussion. The minority, however, being disposed to bend to the majority, he (Mr. Reynolds), who formed one of that minority, joined in the resolution that the debate should be resumed today. He believed that his hon. Friend (Mr. R. M. Fox) when he entered the House was determined to take the sense of the House upon the question, and he was only dissuaded from doing so by consulting with the Repeal Members present. [A MEMBER: There are only four.] There were more; there were seven. Altogether, there were 37 Irish Members in favour of repeal, of whom 30 were absent, and it was thought undesirable to put the question to the vote in the absence of those thirty. The hon. Baronet had expressed his belief that the hon. and learned Member (Mr. J. O'Connell) had never intended to take the sense of the House on his Motion. He begged to dissent from that assertion; and, on his own part, in the strongest language which the forms of the House permitted, he totally, distinctly, and entirely denied having been guilty of such political hypocrisy. He did not answer for his hon. and learned Friend (Mr. J. O'Connell); but for himself (Mr. Reynolds), and the other Repeal Members, he said that they were not actuated by such base and hypocritical motives. The circular to which the hon. Baronet had alluded had not been issued by the repeal party, although it might have proceeded from the hon. Baronet himself. He denied the allegation of the hon. Member for Marylebone that the revolutionary spirit commenced in the Repeal Association; the revolutionary spirit was in perfect opposition to the spirit which had governed that body. Let not the brand of political disgrace be stamped upon his brow, or upon those of the men with whom he had acted—men as loyal and disinterested as the hon. Baronet himself could be. The moral-force repealers comprised nine-tenths of the population of Ireland; and if the hon. Baronet had alleged that the revolutionary spirit had its origin in the Act of Union itself, he would have stated a political fact more correctly. It was wise and prudent under present circumstances to postpone this question; it would be little less than madness to take the sense of the House in the absence of the hon. and learned Gentleman who had brought forward the question, and of those who acted with him. At the same time, the question was rooted in the hearts of the Irish people, and nothing could prevent them seeking by every means in their power the restoration of those rights of which they had been deprived by a measure which had inflicted poverty and misery upon Ireland.

MR. GRATTAN condemned the hon. Baronet the Member for Marylebone for indulging in the habit of attacking the Irish Members, and warmly defended the Repeal Association from the taunts which the hon. Member, with a smile upon his countenance but bitterness in his heart, had thrown out against that body. The question was not now pressed forward, because the advocates of repeal did not wish to follow the example of the hon. Baronet in exasperating the public mind. But the hon. Member did not understand the case of Ireland, nor did that House, which was utterly incapable of legislating for that country. One object he had in supporting repeal was to keep the Irish nobility and proprietors at home; and he hoped the time would ere long come when, to quote a sentiment of the late Mr. Grattan, the common sense of both countries would repudiate an Act which was beneficial to neither, and utterly distasteful and injurious to one. If he might venture to say so much without running the risk of adding to that discord of which there was already too much, he would call the attention of the House to the direful calamity which was said to be approaching the country in the shape of famine. He advised hon. Gentlemen to look to it. He had said before, and still believed, that there would be no insurrection or outbreak. The war, if carried on, would be a war against landlords and their rents. Ireland last year produced 6,000,000 quarters of grain—twice as much as was sufficient to feed the Irish people—but the Government had sent to America for bad corn to feed them, while they took the good Irish corn out of the country and brought it to London. He thought the people would not allow the next harvest to leave the country. In pursuing the discussion of these topics, he did not know where to stop, but he could not conclude, and, at the same time, altogether pass by the argument against discussing the present question, which argument was founded on the disturbed state of Ireland. In the year 1797, when there really existed a well-founded apprehension of that rebellion which in 1798 did break out—at that period of doubt and alarm, Mr. Ponsonby brought forward a Motion for reform, and Mr. G. Ponsonby a Motion for Catholic emancipation. Why, then, should they not now listen to a Motion for the repeal of the legislative Union? The Catholic question had first been mooted in the year 1779, and it was not carried till 1829. He, therefore, saw no reason to despair of repeal, and no reason whatever to abandon it as a subject of Parliamentary discussion. It was in vain to say that the great majority of the Legislature was opposed to such a change—they had been opposed to many things which eventually they gave up—they frequently altered their views upon great national questions—upon Parliamentary reform, for example, and he might even add, upon the sugar duties. He was no friend to separation; but he was an ardent friend to a separate Legislature, because he believed the change would be better for both countries, and he was sure it would be better for Ireland. In private life he highly respected the Members of that House; he believed them to be men of honour, and fond of liberty. But when they engaged in the business of legislation they appeared to him to want common sense, especially in their mode of legislating for Ireland; he would say, therefore, that in private he admired, while in public he detested them. He would tell them, however, that notwithstanding all their misgovernment, they had not yet been able to extinguish in Ireland that love of liberty which filled the breast of every man in that country, and which no amount of injustice seemed sufficient to eradicate—not even such injustice as had recently been perpetrated—not such unequal justice as sentencing an Englishman to two years' imprisonment at home, and transporting an Irishman to Bermuda for 14 years, both on account of similar offences. Englishmen ought to maintain the Union, not because they loved legislation, but because they loved gold. Let them give the poor man in Ireland, not a thatched cottage, but a slated mansion; let them make him comfortable, and he would then become the best customer that England could possess; but at present he purchased nothing from England except a pot in which to boil his only food. He had nothing to do but grow potatoes and get children. They talked of justice while they took away her scales, and left nothing in Ireland but her sword. He wished the Crown of England and Ireland to be one; he wished to live with this country in honour, and peace, and glory; but Irishmen, if they were not to live with equal rights, would rather not live at all.

MR. URQUHART: Sir, I cannot suppress my regret that an Irish Member, possessing the rare attributes of integrity, earnestness, and courage, has at such a moment opened his lips in this assembly, to add only to the mass of error and the depth of blindness unfortunately obscuring Ireland. Nor can I convey my astonishment to hear a man clothed with the historic name of Grattan unable to defend repeal without justifying rebellion.

MR. GRATTAN denied that he had in any way justified rebellion.

MR. URQUHART: I am happy if I am wrong in my first interpretation. I am happy to be corrected. If what the hon. Member has said was liable to doubts, I am glad that he has removed them: the hon. Member did defend the men who have incurred this guilt. In the course of his speech the hon. Member complained of having been misunderstood and misrepresented. It would be difficult not to misunderstand and misrepresent the hon. Gentleman, for he evidently does not know his own mind.

The hon. Member has given us at least a sentence which has value in itself, independently of the authority it must possess as coming from his illustrious parent: "The Union will be repealed by the common sense of both countries." A more simple reduction of a great and a complicated problem was never made. I trust it is a prophecy soon to be fulfilled. But I ask the hon. Gentleman if it is by such acts as those which we see now in Ireland that either the common sense is to be proved, or the end to be realised. I have listened to the defence and explanation by that hon. Gentleman, and by the hon. Gentleman who preceded him (Mr. Reynolds), of the party called Repealers, and certainly with every disposition to deal candidly by them—with every sentiment that could be favourable to those who profess repeal. But, Sir, I cannot say that those who have taken the quieter course, and who have succeeded to and managed the repeal agitation as a business and an inheritance, stand acquitted of the charges brought against them—I will not say with what spirit or in what intent, but the very specific charges brought against them—by the hon. Baronet the Member for Marylebone (Sir B. Hall).

I do not think that the question of repeal could have been a paramount object in their mind: that zeal for its advancement is incompatible with the reason brought forward this day for adjourning the debate—the absence of the Mover. With unfeigned respect for the character and confidence in the sincerity of the hon. Gentleman himself, I cannot do otherwise than most strongly condemn those men with whom he is associated, and of whose views I believe very ignorantly he has constituted himself the advocate in this House. They have, indeed, agitated Ireland for objects which they have not pursued—where legitimately they were to be obtained—in this House. The facts are patent and notorious; but if evidence was not before me, I should find in the circumstances of the country reasons to suspect that the given class of men would adopt this very course. Sir, I should think it very extraordinary if those men who are at the head of the repeal movement should be desirous to see the repeal carried. When I look to Ireland—when I look to the distinct character of its different counties—to the relative condition of its divided population—when I see superiority and strength against inferiority and disunion—when I contrast the stern character and purpose of the united organisation of the north, with the total want of self-reliance or of mutual confidence in the population of the south—to say nothing of property, station, and influence—I can have no doubt that if to-morrow repeal were carried, it would not be the hon. Member for Limerick who would be the *princeps senatus* of College Green. This may not have occurred to hon. Members; but it is and can be no novel or strange thought to the hon. Member for Limerick and those who are in his counsels. As, then, the effect of repeal would be to place the Orange party in power in Ireland, I see a very cogent reason for the course that has been pursued. I see a very natural explanation of the contradictions that appear, and of the avoidance to bring forward this question on the only field where it can be legitimately discussed, and by the only means by which it can be ultimately carried. That question can be carried only when Ireland is united, and those who have got the monopoly of it have taken good care to make it as distasteful to their Irish as contemptible to their English fellow-countrymen.

I shall not trespass upon the attention of this House in a blind debate. I rose merely to protest against that indistinctness between the line of right and wrong which at this present moment is distracting Ireland—which at a future day may deluge that country with blood. They mix up and confound what is lawful, nay, what is most praiseworthy, with what is criminal. On both sides the same confusion prevails; and there can be no order or peace now in Ireland until it is understood that to repeal a statute is one thing, to break the law another; until it is understood that repeal is not rebellion. But I repudiate that word repeal. A statute may be repealed; but the Union was no statute. The Union with Ireland was by treaty: for that Union there was, indeed, a statute in both countries, though these statutes could never be law; the treaty may be rescinded, but it cannot be repealed. Your act was judicial in this sense—it was a warrant of execution against the Parliament of Ireland. I cannot, therefore, in any sense use the word repeal; and in lieu of it I say the restoration of the Parliament of Ireland. I distinguish between the thing and the word. I distinguish between the cause and its advocates. That cause I hold most noble. It is the restoration of ancient law—the maintenance of ancient rights. With it are associated national power and sense—individual morality and well-being. It is the only safety left for Ireland—the only remedy for England. Such is the cause, but as to its advocates, there is no repealer in Ireland.

Sir, I put upon the books at the beginning of this Session a Motion in connexion with repeal. I must beg the indulgence of the House for one moment while I allude to it. I cannot allow this debate to close without stating what that Motion was. It was not a Motion for repeal, and for this simple reason, that I would not come to this House to propose that which this House has no power to do. I deny the power of this House to extinguish itself: it cannot commit suicide; and, if so, the Irish Parliment could not commit suicide; and therefore at this hour I hold the Union as if it had never taken place; and I challenge any lawyer in this House to deny the power of the Crown at this hour to summon the Parliament of Ireland in that kingdom precisely as would have been done if the Union had never passed: that was the purpose, that the limit of my proposal. It did not go to disturb any recent law, or to change the condition of things as existing by the Union, and its consequences. It did not go to replace the Catholics and Protestants, in regard to suffrage, upon the footing on which they stood in 1800; but simply to advise the Queen to use her undoubted prerogative of assembling her Irish Parliament. This measure had no legislative character, it was purely executive; it would have been carried into effect under the responsibility of the high officers of the Crown —now called Cabinet Ministers—to whom it would have been left to decide whether or not the decisions of that body should be adopted by the Crown so as to become law, or to be submitted merely to the Imperial Parliament. That was the object of my proposal, which was suggested as a standing ground between two extreme positions, and as an experiment which being made and satisfactorily tried might have facilitated the adjustment of this great question, which, after forty-eight years, has proved every year less near its solution than the year before. The successive events in Ireland, and decisions in this House, have induced me to postpone from time to time the consideration of this matter. It may appear to have been an act of great presumption on my part to venture to deal with such a subject. My reason, and I trust my justification, is this. I conceived this matter to have been falsified, by its being put forward by Irishmen, and in a manner peculiarly offensive. That it should be brought forward on its English merits appeared to me most essential, and there was no other Member of this House, not Irish, not adverse to it. I stood alone. Unless I attempted it, the attempt would not be made. I was further placed in this peculiar position, that I had been commissioned by my constituents to urge as the remedial measure for Ireland the restoring of self-government.

Sir, I have been commissioned by my constituents at a public meeting at which every shade of opinion, I will not say was represented, but assembled—the clergy of every denomination—the different classes, as well as the different parties, to urge the repeal of the legislative Union with Ireland. The purpose, the grounds of that recommendation were, that this House was unfit, because of Irish affairs, to attend to the business of England—that both countries thereby were mismanaged—and the evils of the Union were reciprocal. They certainly were of opinion that the Irish were not fit to govern themselves; but they also were of opinion that they could not govern themselves worse than you govern them. They were also of opinion that the presence of Irish Members in this House was an indignity as well as an evil: they looked upon their presence here interfering with matters of church government and domestic policy for England, as unendurable; and they could not see without indignation an Irish faction, in the balance of parties, imposing on England a Ministry against her will. They, therefore, wished the Irish Parliament to be restored in order that Ireland might take upon her own shoulders the burden of her support, and upon her own conscience the responsibility of her misgovernment.

MR. RICE acknowledged that he had not heard one word from the hon. Gentleman (Mr. Grattan) in justification of rebellion and insurrection in Ireland. He did not wish to say one word on the question of repeal, nor had he ever ventured to address the House on Irish affairs, because he felt his incompetency to do so; yet he had not on that account less feeling for the good of Ireland, or a less sincere desire to remove the evils of that country. It was desirable that all language which might be deemed offensive by the people of Ireland should be avoided; but he believed that all the English representatives were animated by a good feeling for Ireland; and he could assure the Irish representatives that he and his constituents had no other feeling but that of kindness for their country.

MAJOR BLACKALL suggested the propriety of allowing the discussion to be now brought to a conclusion. He concurred in the sentiment expressed by his hon. Colleague (Mr. R. Fox), that in the present state of Ireland any debate likely to lead to acerbity should be avoided. He had heard with regret the uncalled-for speech of the hon. Member for Marylebone.

LORD J. RUSSELL: I quite agree in what the hon. Gentleman has just said, that those who are favourable to the repeal of the Union have shown a wise and considerate feeling, when they postponed the discussion of the measure of which they are advocates, in order not to create any acerbity in addition to the irritation which may now be felt. I only beg it to be understood that I have no objection myself personally to the renewal of this debate. I have not at all shrunk from the discussion of the question of the repeal of the Union—I was ready to enter into it whenever the hon. Gentleman the Member for Dublin might have told me it was to come on—and I determined to attend the House and take part in the debate. Therefore I have no personal objection or unwillingness to enter into that discussion. Of course, having thus shown what my intentions were, I leave it to those in whose hands the Motion is to decide whether or not they will bring it forward; and I think that they deserve credit for the course they have now taken. I may perhaps say further, that one of the many grounds of objection which I should have urged to the Motion, if it had come on for discussion, would have been that, in my opinion, the repeal of the Union and the establishment of a separate Legislature in Ireland would tend to that very degradation of Ireland to a province which some hon. Gentlemen belonging to that country so very much complained of. I think the honour of having a seat in this House and of taking a part in the government of a great empire is a distinction of which Irishmen ought to be ambitious—which they ought to feel as being one which raises and elevate them into a component portion of the Parliament of this mighty empire; while at the same time they may in this Legislature promote Irish legislation. Men of very great abilities and of those masterly talents which fitted them for the government of mankind arose in Ireland towards the end of the last century. We had Edmund Burke sitting in this House, and the speeches he made will ever be the subject of admiration for all succeeding generations. But Ireland being then separate from England, he could not take a part which would influence the legislation of this country towards Ireland. Strong as were his opinions, and remarkable as were his views in reference to Ireland, they were then, of necessity, expressed in letters written to the Members of the Irish Parliament, in essays, and in various ways; but they could not have any influence or direction in the legislation which regarded Ireland, and those talents which he possessed were of no value as regarded that particular part of the administration. Another great man was produced about the same time—of talents nearly as remarkable, whose name will always be remembered, and whose character was most patriotic—and he devoted his abilities in the Irish Parliament to the consideration of Irish affairs —I allude to Henry Grattan. But, devoting his abilities to the affairs of Ireland, he could not, so long as the two countries were separate, take a part, as his talents qualified him to do, with regard to imperial affairs—with regard to any question of the foreign policy of the empire—with regard to any colonial question, or any of those questions which must be decided by the Legislature sitting at the centre of affairs. His talents, therefore, were lost on imperial questions, in respect to which Burke could take a part. Therefore, it is a distinction and an advantage to Irishmen that they can now combine the formerly separate capacities of discussing these various questions; and if a man like Burke were again to arise, he might in this House declare his opinions and point his talents to the improvement of the legislation for Ireland; and a man like Grattan might sway, as he had the opportunity of doing after the Union, the decisions of this House on the most momentous questions of peace and war, and of imperial policy. This would have been one of the considerations, and one certainly not insulting or affronting to Ireland, on which, had the debate proceeded, I should have objected to the Motion; but the hon. Gentlemen who have the charge of the Motion having, as I think, wisely taken the part they have done, I can now only say that I trust that the distinction at present will be not between Gentlemen who differ from one another on the question of repeal, but, looking to the important and critical situation of public affairs, that the distinction will be between those who wish to maintain the general institutions of our country—who wish to pursue a loyal course, and to make such improvements and such alterations as they think ought to be made, however wide and extensive they may be, through the means of public discussion and Parliamentary debate—and those who are attempting by force and insurrection to overturn the institutions of the country. I trust that that may be the distinction, and that Gentlemen connected with Ireland, whether Protestants or Roman Catholics, whatever their views may be in respect to measures which may be adopted, will, if they hate and abhor these traitorous designs now on foot in Ireland, employ all their energies in putting down the rebellious spirit, and in aiding the Government and the country in maintaining the peace of the united kingdom.

The Motion that the debate be adjourned for three months put and carried.

WASTE LANDS (IRELAND) BILL.

On the Motion that the House resolve itself into Committee,

SIR J. WALSH said, that the measure was neither more nor less than an attempt to carry into effect a policy which had recently met in France with a signal failure, namely, to convert the Government into great employers of labour; and the mode by which it was proposed to attain this result was by invading, in the first instance, the rights and property of individuals. It was, indeed, practically impossible to carry out the propositions of the hon. Member for Stroud (Mr. P. Scrope). It was true that there was a great deal of land lying waste in Ireland, and much of it susceptible of improvement. It was true that capital might be profitably employed in a great many localities in reclaiming land; but it was not true that the Government could by any possibility be successful agents in carrying out any plan for that purpose. Neither was it true that, under the provisions of the present Bill, a remedy could be found for that destitution and overcrowded state of particular districts which formed the source of most serious evils and grievances connected with the social state of Ireland. He should be curious enough to know whether the hon. Member for Stroud had any practical acquaintance with Ireland—whether he had ever seen Ireland in his life, or reclaimed one single acre, rood, or perch of bog? The hon. Gentleman's experience was theoretical rather than practical. The case of Chat Moss had been referred to as showing what might be done in the way of reclaiming waste lands. But Chat Moss was situated in the most dense manufacturing district of England; it was traversed by a railway connecting two of the most important towns of the country; and the facilities thus afforded for disposing of agricultural produce held out the strongest possible inducement to bring it into cultivation. Even in Chat Moss, however, a very small advance had been made towards the reclamation of that great waste; for, though a fringe of land near the railroad had been brought into cultivation, and produced fine crops, it would be found that—though the railroad had been in existence nearly twenty years—a considerable portion of the Moss was still unreclaimed. Now, he thought English Members should clearly understand what was meant by "waste lands" in Ireland. They were apt to picture to themselves large tracks like Salisbury Plain, or the commons which were to be seen in some parts of England. But what was termed "waste land" in Ireland was either downright red bog, or mountain—which, in the Irish signification of the term, did not mean a hilly elevation, but land of a boggy nature, the boggy soil not being very deep, which afforded coarse pasturage. The reclamation of the deep red bogs, which he understood was the scheme the hon. Gentleman proposed to carry out by this Bill at the expense of the country, would be attended with great cost. But when a great expense had been incurred in draining tracts of land and placing them in a state fit for cultivation, the next step proposed to be taken under this Bill was to sell the reclaimed land in portions of from ten to 100 acres, or to let it on lease for ninety-nine or 999 years. Now, it must be remembered that the great mass of the population who crowded estates in Ireland were in so destitute a condition that they were utterly unable to purchase such lands, and they neither possessed agricultural implements, nor had they the means of buying them. Did the hon. Gentleman mean, then, to afford to the cotter a ten-acre allotment, and also to give him a grant of money out of the public funds, to enable him to purchase farming stock and implements? If the hon. Gentleman thought that he would improve the existing state of Ireland by allotting the reclaimed lands in such small divisions as to multiply the cotter population, he was greatly mistaken, for the only effect of such a measure would be to spread more extensively that pauperism which was one of the great evils of the country. Believing that this measure would wholly fail to produce any good effects, and that, at a moment of embarrassed finance, it would plunge the country into great expense, he would move that the House go into Committee that day three months.

Mr. P. SCROPE said, the hon. Member for Radnorshire (Sir J. Walsh) was mistaken in supposing that this was his (Mr. Scrope's) Bill. It was introduced by the hon. Member for Roscommon (Mr. French), who was an Irish landlord, and the representative of an Irish county, and who possessed a local acquaintance with the state of Ireland, which the hon. Baronet had said that he (Mr. Scrope) did not possess. He (Mr. Scrope) might, however, claim to be well acquainted with the state of that country; for he had taken every pains to acquire information on the subject by a perusal of the blue books which had been presented to Parliament during the last thirty years. He had also turned his attention particularly to the subject of this Bill, and he believed that such a measure would tend very materially to improve the condition of the Irish people. He had that morning read a letter of Lord Cloncurry, which appeared in the *Dublin Evening Post;* and that noble Lord, after deprecating the excitement which at present prevailed in Ireland, observed that the great grievance under which the population of that country had been groaning for years, and which they were now attempting to repress by violent measures, might be stated in four words—"idle lands—idle hands." He agreed in opinion with the noble Lord; and on this ground he asked the House to consider the present Bill. The hon. Baronet had said that this Bill was an attempt to introduce into Ireland the same policy which had recently been adopted in France, and to establish in Ireland *ateliers nationaux.* He contended that this was an unfounded assertion. The characteristic of the *ateliers nationaux* of Paris was the support, in houses similar to the Irish workhouse, of large bodies of ablebodied men, without any employment; but the object of this Bill was to give productive employment to the ablebodied poor of Ireland, and thus to add to add to resources of the country. The hon. Baronet had called this a measure for invading the rights of property; but he (Mr. Scrope) denied that such a charge was justifiable. This Bill would not infringe the rights of property, but would only prevent property from being maintained in a state of barrenness in the midst of a population starving for want of food, and idle for want of employment. As to the supposed cost of the plan, it must be remembered that it was not proposed to locate paupers upon these lands; it seemed to be forgotten that there were thousands of farmers emigrating from Ireland to America with 50*l.*, or 100*l.*, or 200*l.* in their pockets. The experiment of locating persons on the uncultivated land of Ireland had already been tried successfully by Captain Kennedy upon several estates of which he had the management; it was only because other landlords would not follow that example, but preferred seeing their lands lie useless and waste, that it was necessary for the Legislature to interfere. The hon. Member could scarcely have read the Bill when he spoke as he did respecting the expense. Besides, how were the ablebodied population of Ireland now maintained? Was it not by public money—by the money of the people of England? What was the new Public Works Bill but supplementing the poor-rates with a loan of 1,600,000*l.*? Why not put the "idle hands" to the "idle lands" of Ireland? The hon. Member might speak of waste land that was not worth reclaiming, but at all events there were millions of acres which might be reclaimed at a profit, just as well as Chat Moss, parts of which were now paying 10 per cent. The hon. Baronet asked if he (Mr. P. Scrope) was a practical reclaimer of waste land; surely it was not necessary, in order to his dealing with his subject, that he should himself have handled a spade; but certainly he had an interest in the reclamation of some land. However, he would refer to a recent letter from one who was at all events a practical reclaimer, and a most intelligent man, a member of the Society of Friends —Mr. S. Robinson, of Clara Hall. That gentleman said that it was the height of insanity to allow such a fine island to go to ruin for want of a few wise laws, and he stated, that in 1838 he commenced the reclamation of 104 acres, and this year there had been sold 710*l.* worth of produce from them; that his expenditure in labour upon that land amounted to 300*l.*; and that there were 2,000,000 of acres of waste equally capable of improvement; so there had been 4,000,000*l.* lost this year to the produce market, and 6,000,000*l.* had been lost to the labour market. Things could not go on as they were. Let Parliament legislate even at the eleventh hour, or though the twelfth was striking, for the maintenance of the industrious population of Ireland upon the soil of Ireland, which was so well capable of returning an abundant profit. Want of employment had been the cause of disaffection; the flag of "Repeal" really meant—"If you will not legislate so as to enable us to maintain ourselves on the land God has given us, then let us legislate for ourselves." "Ireland for the Irish" meant that the Irish should be allowed to live in Ireland, and enabled to make use of the resources of a land which would maintain far more than its present population. But the land had been placed in the unconditional power of its few proprietors; they had been allowed to do with it and with the population what they pleased; to keep up those barren wastes to which this measure related; and to sweep the population off the face of the land.

Sir G. GREY said, he had been disappointed when he read this Bill, for his hon. Friend, on moving for leave to bring it in, said he should not require any Government machinery or any public money to carry it into effect; but he must say that that pledge had hardly been kept, because it was proposed that the working of the Bill should be under the superintendence of a Commission. His hon. Friend said the commission was to be unpaid; but he doubted whether the Government would not be called upon afterwards to provide salaries for the officers required. His hon. Friend suggested that the Poor Law Commissioners should be invested with the large powers proposed to be conferred on the Government by this Bill; but he was of opinion that nothing could be more injurious to the operation of the poor-law than that those powers should be centered in the Commissioners. He was not prepared to deny that there were extensive tracts of land which were not occupied, and which might be brought into profitable cultivation; but much that was called "waste land" was private property, belonging to gentlemen who kept it as sheep-walks or moors. But how did his hon. Friend propose to find funds requisite for carrying the Bill into effect? The expenses must be immediate, whilst the profits of the scheme were future and contingent; and his hon. Friend could not be so sanguine as to suppose that any capitalists would advance the money that would be required unless on the direct credit of the Government. He thought that the best mode of reclaiming these waste lands was by private companies; and, though he was not prepared to say that the assistance of Parliament might not be necessary for attaining that desirable object, yet he did not think that there ought to be any direct agency on the part of the Government in such reclamation, by which they would, in fact, become large purchasers and land agents. Looking, therefore, to the machinery of this Bill, he could not give his assent to its further progress, and he hoped his hon. Friend would not press his Motion to a division.

Bill put off for three months.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, July 27, 1848.

Minutes.] Public Bills.—2^a Highland Roads and Bridges (Scotland); Charity Trusts Regulation.

Reported.—Prisons; Ecclesiastical Patronage Suits Compromise (Ireland)

3^a and passed:—Public Health; West India Islands Relief.

Petitions Presented. From Guardians of the Barnet Union, in favour of a more Extended System of Emigration.

PUBLIC HEALTH BILL.

Lord CAMPBELL moved the Third Reading of the Bill.

The Bishop of LONDON could not allow this Bill to pass without expressing his great satisfaction at the result of their Lordships' concession to the wishes of several Members of their Lordships' House in referring this Bill to a Select Committee. That Select Committee had laboured assiduously and fulfilled the promise which was given to their Lordships, that there should be no unnecessary delay in submitting an improved measure to their Lordships. He considered they had improved the measure in many important respects; and that it would go down to the other House in such a form as that no reasonable objection could be made to it. He considered, indeed, that a Bill more important to the welfare of the public had not been passed for many years. He could not help alluding to one amendment—which, he trusted, he might be allowed to call an improvement—which he himself had the honour of proposing to the Select Committee, and which had met with their concurrence—he meant an amendment to the effect that in certain cases, where it should be shown, by comparison with past periods, that a more than average rate of mortality was taking place, the General Board might interfere without any application being made to them. He thought that when it was their wish to improve the sanitary condition of the country, the introduction of such a clause was a decided improvement to the Bill. In his opinion, the present might be called the Poor Man's Bill. He had always held that in any regulations for the improvement of the sanitary condition of the country the welfare of the labouring part of the population ought to receive especial attention, for in those matters the rich would take care of themselves. He was therefore thankful to their Lordships for having passed so important and salutary a measure.

Bill read 3ª, and passed.

THE STATE OF IRELAND.

Lord BROUGHAM: My Lords, I wish to ask my noble Friend opposite a question. Your Lordships must be aware that in times like the present, when every sort of subterfuge is resorted to to excite public curiosity, and to practise upon the public credulity, every well-thinking party of the community has a right to expect from our hands that we should protect them from the effects of those alarms which it is the principal object of such speculators upon public curiosity and credulity to create. Now, my Lords, I saw an account to-day which I believe there is no foundation whatever for, as to what is said to have taken place in Ireland. I must, however, say I was not very much alarmed myself, because the statements were so overdone, and so grossly exaggerated, particularly in respect to the accounts of the troops being defeated, and of their not having done their duty. I knew very well that there could be no foundation whatever for them—that it was quite impossible they could be true. There were circumstances connected with those statements which utterly discredited the whole story. Looking to the date of this intelligence, it is quite clear that if this news was known in Dublin yesterday—of course if that were the case, Her Majesty's Government would be in possession of the information quite as early as any which could be received from the disseminators of the news. I hope my noble Friend will excuse me for asking whether I am not quite correct in that opinion, and whether this intelligence has not been grossly exaggerated, if not altogether an unfounded story? I am afraid of the mischievous consequences of gathering together the materials of disorder and discontent. An outbreak might thus at any moment occur. I should not be alarmed at any such outbreak taking place, however much I might lament the consequences. I hope, however, that the public will not be alarmed if even there be some little foundation for this alleged outbreak.

The Marquess of LANSDOWNE said, that his noble and learned Friend was quite right in stating that very great ingenuity was manifested at present in the invention and propagation of rumours. With respect to the reports to which the noble and learned Lord had referred, as to outbreaks in Ireland, he had the satisfaction to state that there was a probability—amounting almost to certainty—that they were altogether unfounded, or that at least they rested on the slightest possible foundation. He assured the House that the Government were in possession of a despatch from the Lord Lieutenant of Ireland, dated three o'clock yesterday afternoon, which came to them by a special messenger, and which contained nothing relating to any outbreak. He might also mention, that subsequent to the arrival of that messenger they had received a letter, dated six o'clock— [Lord Brougham: From Dublin?] Yes, from Dublin—and that letter was equally silent with respect to such an event. He, therefore, confidently believed that nothing of the kind, at least to the extent stated, had up to that moment occurred. He was sorry he could not state to his noble and learned Friend that there was not great probability of outbreaks occurring in the particular quarters to which rumour had already attributed them. It was known that the leaders had left Dublin and betaken themselves to those quarters; and it was also known that they were delivering treasonable and inflammatory speeches, calling upon the people immediately to rise and stand by what they called the cause of Ireland. It was very probable, therefore, that there might be some outbreak; but he trusted it would be attended with consequences far different from what had been reported.

The Marquess of LONDONDERRY, as an Irishman, begged to say that he did not go along with certain observations which had been made on that (the Opposition) side of the House, as to the delay on the part of Her Majesty's Government in bringing forward severe measures for Ireland. He thought they had been perfectly right in exercising, up to the last moment, every kind of leniency, with the view of bringing the deluded people back to a sense of their duty. The noble Lord at the head of the Government of Ireland had, he thought, conducted his administration with great prudence and dexterity. He had wisely given these unfortunate people rope enough; and had, up to the present moment, it appeared, found means to arrest their violent proceedings. When other portions of Ireland were in a disaffected state, they could, at all events, derive some consolation from the fact that at least the north of Ireland was loyal, and could be well depended on. Even should they be deluged in civil war, the north would be found well attached to British connexion, and would save this country from anything like foreign interference. He thought, however, the Government had incurred great responsibility in consenting to the repeal of the Arms Act in Ireland; for he believed that if that Act had continued in force, the country would not now have been in its present condition.

The MARQUESS of LANSDOWNE: Perhaps the House will allow me to state that I have just received information dated seven o'clock, Dublin, an hour later than the former communication to which I have referred; and this letter states that nothing whatever has as yet occurred of an outbreak. It is, therefore, totally impossible, my Lords, that these events so rumoured could have taken place.

LORD BROUGHAM: I have been speaking to a friend who came over from Dublin in the last packet, and he had heard nothing of the kind alluded to until he arrived in Liverpool.

THE LAW OF MARRIAGE.

The BISHOP of LONDON, referring to the Report of the Commission on the Law of Marriage which had been laid upon the table of the other House, begged to ask the noble Lord the President of the Council, whether Her Majesty's Government were prepared to sanction the introduction of a Bill into either House of Parliament on that subject during the present Session; or whether they would not rather deem it expedient at once to delay the consideration of the question till next Session? If delayed till next Session, the Bill ought then to be brought in as early as possible, because it would necessarily give occasion to a deal of discussion, there being much difference of opinion on it among the clergy and laity. At all events, it was a question of the gravest importance, and ought not be discussed at this late period of the Session, when Parliament had more business on hand than they could well dispose of.

The MARQUESS of LANSDOWNE said, that this question had not been taken up by Her Majesty's Government at all, but by a learned individual, a Member of the other House of Parliament (Mr. S. Wortley), entirely unconnected with the Government, but who was well qualified by his learning and talents for dealing with this difficult subject. That right hon. Gentleman had, he understood, given notice of his intention to introduce a measure on the subject; and he (the Marquess of Lansdowne) was not prepared to say that Her Majesty's Government would refuse their assent to the introduction of such a Bill even in the present Session of Parliament, although he agreed with his right rev. Friend that in the present state of public business, and with the multitude of Bills now before Parliament, it was very undesirable that it should be passed, or even discussed, in the present Session.

CHARITY TRUST REGULATION BILL.

The LORD CHANCELLOR then moved the Second Reading of the Charity Trust Regulation Bill. The object of the measure was to remove some acknowledged inconvenience and difficulties which had arisen in the administration of charitable trusts. When the Municipal Corporation Reform Bill was carried, Parliament decided that charitable trusts previously administered by those municipal bodies should be removed from under the control of the corporations. Then the difficulty was felt with respect to the authority to which those trusts should be transferred; a contest arose as to who should appoint trustees for the administration of those charities. It was necessary that a proposition should be made to meet the difficulty. The trustees who had been appointed had in the meantime ceased to act in consequence of death or of removal; and the necessity had arisen for making application to the Court of Chancery for the purpose of filling up the number of trustees in a variety of cases. As the law at present stood, there was no means of filling up those vacancies except by the very expensive process of applying to the Court of Chancery. It seemed expedient, then, to found some jurisdiction which should exercise the power of nominating trustees without incurring the necessity of applying to the Court of Chancery. Another evil was, that there were a great many very small charities which could not afford to come to the Court of Chancery. It was necessary that these should be subjected to a certain supervision for the purpose of ascertaining whether the funds were applied to the purposes for which they were intended. The law afforded those charities no protection at present. Of charities under 30*l.* a year, equivalent to a capital of 1,000*l.* in the funds at 3 per cent, there were 23,746; but it might be said that there were 28,304 which could hardly be said to have any remedy at all in regard to the appointment of trustees. Now, the attention of the Government had been directed to the judges of the county courts. By the County Courts Act, sixty local judges had been appointed. The operation of those courts had been most beneficial—beneficial, indeed, to an extent which nobody had expected. The experience of the last year had been more favourable than that even of the first year. From November, 1846, to November, 1847, the sixty judges had disposed of 429,415 suits; and when it was recollected that, for the great majority of these suits, there was no other practical remedy—for the parties were virtually debarred from appealing to the higher courts —their benefit would be at once admitted. The sum received during the same period amounted to 600,559*l.*, including fees and sums payable by the losers of suits. The fees alone amounted to 203,318*l.*—a sum such as made it the duty of those who had the jurisdiction, namely, the Lords of the Treasury, very much to reduce those fees. The increase, comparing the last year with the first, had been such that it appeared quite possible to reduce the fees one-half. The object, then, of this Bill was to provide that charities under 30*l.* a year should be subjected to the jurisdiction of the judges of the county courts, without altering the law which was applicable to those charities at present. The greater part of the clauses applied to that object; but there were other objects for which it had been thought proper also to make provision. One of these was, to get rid of the difficulty arising from the absence of legal estate, and to provide that, by order of the county court or the Court of Chancery, the legal estate should be vested in the treasurer of the county court. It was proposed that the report of the Charitable Trusts Commissioners, which contained a statement of the value of the different charities, should be conclusive as to the charities which should come under the operation of the measure. There was also a clause enabling the judge of the county court or the Court of Chancery to transfer stock in the name of the treasurer of the county court. It would also be provided that the parties administering charity funds should annually bring their balance-sheet to the clerk of the county court. It was also proposed that small trusts for educational purposes should be under the jurisdiction of the county courts, but subject to appeal to the Educational Committee of the Privy Council. He had now stated the provisions of the Bill, which, as he had already observed, would provide a remedy for many anomalies and evils that now existed in the administration of trusts amounting only to a small sum; and he would therefore move that the Bill be read a second time.

Lord REDESDALE had no other objection to the second reading of the Bill beyond what arose from the time at which it had been brought forward. He regretted that a measure of so much importance should not have been introduced at an earlier period of the Session; it had been laid on their Lordships' table only on the 13th of July. What hope was there that a Bill dealing with so great a variety of interests could now be satisfactorily proceeded with? The number of charities under 30*l.* a year was very great, and existed all over the country; and therefore he hoped that a measure involving questions so varied and extensive would not be persisted in this Session. As to the charitable funds for educational purposes, he must say that he did not think the parties to whom their management was to be intrusted by the Bill were well adapted for such a duty. He thought also that any single individual having the power to appear before the judge and calling for inquiry, would have the effect of involving these small charities in greater expenses than they were able to bear. The whole question, however, was one which, no doubt, called for the deepest consideration; and for that very reason he hoped the noble and learned Lord would not attempt to pass the Bill during the present Session. The Bill might have been brought in at the commencement of the Session, and therefore they had a right to complain that it had not made its appearance till July. He thought this was a good constitutional ground of objection, and therefore, if he had no other reason, this would warrant him in objecting to the measure being proceeded with this year.

The **Bishop** of **LLANDAFF** thought the Bill in its general purpose would be found to be beneficial; and as he believed that small trusts would be better managed under its provisions than they now were, he hoped it would meet the unanimous concurrence of his right rev. Brethren. He must say, however, that, considering what the noble and learned Lord had said as to the importance of the Bill, they had a right to ask how it came to pass that it had so long been delayed? He would not now enter upon the general question; but he must say that he cordially approved of the appeal to the Committee of Privy Council with reference to the small charitable educational trusts. He believed it would be found that the greater part of those trusts were left by the donors for educational purposes in accordance with the principles of the Church of England; and it was desirable that the Committee of the Privy Council should see that they were administered in accordance with those wishes.

The **Earl** of **HARROWBY** considered it an object of great necessity that some such Bill as the present should be carried; but at the same time he must concur in the observations made by the noble Earl, that it was unfortunate the measure should have been so late in being introduced. The clause having reference to educational trusts was, in his opinion, by far the most important in the Bill; and considering that the subject of education was one upon which the greatest difference of opinion existed, and looking to the difficulty of consulting the feelings and interests of those who would be affected by the measure, he was afraid they were not likely, at this period of the Session, to come to any satisfactory result. They must bear in mind that these small trusts for educational purposes were spread all over the country, and that the question would be a very difficult one indeed to settle.

The **LORD CHANCELLOR** said, a Bill containing the greater part of the provisions in the present measure was brought in by him last Session, and therefore there had been time to consider it for the last twelve months. No objection was then made to the Bill, and he did not anticipate that there would be any on the present occasion. Indeed, he had heard no objection to the general principle of the Bill; and the only point on which there appeared to be a difference of opinion was on that relating to the educational trusts. The noble Lord (Lord Redesdale), though he appeared to differ from the proposal laid down in the Bill, did not suggest any other course which ought to be followed. There was no doubt that the educational question was one of extreme importance, and beset with difficulties, and yet it was one they must deal with. It had been said these charity funds were spread all over the country; but he regarded that as a reason why they should be as speedily as possible dealt with, and why a remedy should be applied for their better regulation.

Bill read 2^{a}.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 27, 1848.

Minutes.] Public Bills.—1^{o} London (City) Small Debts; Clerks of the Peace (Dublin); Smoke Prohibition; Registering Births, &c. (Scotland); Insolvent Debtors Court; Fisheries (Ireland); Loan Societies; Highway Rates; Proclamations on Fines, Court of Common Pleas.

3^{o} and passed:—Payment of Debts out of Real Estate; Salmon Breed Preservation; Ecclesiastical Unions and Divisions of Parishes (Ireland).

Petitions Presented. By Mr. Clements, from the Grand Jury of Leitrim, for an Alteration of the Election and Polling Places (Ireland) Bill.—By Mr. Wakley, from Inhabitants of Barrhead, Scotland, for the Adoption of Universal Suffrage.—By Mr. Brotherton, from the Villages of Elvaston, Thulston Amberston, and Boulton, for a Better Observance of the Lord's Day.—By Mr. Pattison, from Members of the Board of Congregational Ministers, residing in and about London, for the Withdrawal of the Regium Donum Grant.—By Sir R. Bulkeley, from Members of an Independent Order of Odd Fellows, for an Extension of the Benefit Societies Act.—By Mr. Muntz, from Edmund Tauntun, a Foreign Merchant, for an Alteration of the Currency Act.—By Mr. Wakley, from the Finsbury portion of the National Charter Association, complaining of the Treatment of Fussell, and Others, while in Prison; also from several Tradesmen of the Metropolis, for Closing the Westminster Court of Requests, as regards the Recovery of Debts under Twenty Pounds.—By Mr. Forster, from Guardians of the Berwick-upon-Tweed Union, for an Alteration of the Poor Law Union Charges Bill.—By Mr. Farnham, from the Leicester Chamber of Commerce, for an Alteration of the Law of Rating and Settlement.

POOR LAW UNION CHARGES (No. 2) BILL.

The Order of the Day for resuming the debate on this Bill having been read,

Mr. RICE expressed his regret that hon. Member for Oxfordshire (Mr. Henley) was not in his place, as he was anxious to make a few observations upon the objections which that hon. Member had taken to the measure before the House. Those objections were, first, as to the provision for reshifting the burdens on the several parishes of a union by altering the mode of raising the rate; secondly, that the measure would lead to the breaking down of the parochial system; thirdly, that it would lead to the still further measure of a national rate; and lastly, that it was a great measure that would throw on agricultural districts a heavy burden heretofore borne by the towns; and the hon. Gentleman concluded by moving that the Bill be read that day six months. With regard to the first objection, that of the mode of rating and the shifting of the burden, the objection was, that the rating, instead of being taken on the three years' average, should now be taken on the rateable value generally throughout the union. He had just received a communication containing the valuation of one of the largest unions in this country, and one of the best managed unions. The percentage on the average of the last three years on the rateable value in the parishes of that union varied from 13 to 14 per cent, to rather less than 1 per cent. The hon. Gentleman said that he thought this proposed alteration was very unjust. He recollected that when Sir J. Graham introduced the Settlement Bill he agreed to an instruction to the Committee proposed by the hon. Member for Malton for enacting what was called a union settlement. On the change of Government, the Bill fell into the hands of the noble Lord at the head of the present Government; and the right hon. Baronet again stated his conviction that if the Bill should be passed into a law without the Amendment proposed being adopted, the greatest injustice and hardship would be inflicted on many parts of the country. The Bill was passed into a law without the Amendment of the hon. Member for Malton being introduced, when during the very first year most convincing proof was given of the entire truth of the right hon. Baronet's prediction. Before the end of that year he presented several petitions from large urban parishes complaining of the ruinous effects of the Bill. The agricultural parishes which surrounded the town of Dover were particularly affected by the law. In one of those parishes a great number of streets were built for the poor people; and the moment the Bill passed the main portion of those poor persons were thrown on the already pauperised parishes in the neighbourhood, so that they were nearly ruined. The injustice of this was so manifest, that at a late period of the Session last year it was felt impossible to avoid providing an immediate remedy of a temporary character for the evil, and accordingly a Bill was introduced by Mr. Bodkin, called the Poor Removal Act, which was passed, and which would expire on the 1st of October next. The effect of the present system of parochial rates and settlement was that the labourers were often compelled to live a long distance from their work; they had frequently to walk home to their meals in the wet, and return to work without having had time to dry their clothes. This was a great hardship, and yet the hon. Member for Oxfordshire had opposed the present measure, which was a first step towards a better system. The next objection of the hon. Member was, that this Bill was a breaking down of the parochial system; but he was surprised the hon. Member could have so much misunderstood the right hon. Gentleman (Mr. Buller), who announced his decided determination to adhere to the parochial system. He believed they would never have a system which would be just to the ratepayers until they made the rating co-extensive with the union and the jurisdiction of the board of guardians. He was, therefore, in favour of an union rate; but it did not follow, as the hon. Member for Oxfordshire appeared to suppose, that those who were in favour of an union rating and settlement must also be favourable to a national rating. The right hon. Gentleman had truly stated that there was a growing feeling in the country in favour of an union rating; and he would maintain that the agitation in the country must be founded on reason and justice, or else it would not be rife. The hon. Member said that the right hon. Gentleman ought not to have condemned as he did the system of private rating which prevailed in some parishes. Now, he maintained that of all systems that of private rating was the worst. The hon. Member put the case of a man with a large family earning 10*s.* a week wages, and said that the poor-law was no test of idleness or destitution to such a man, because he knew that if he went into the workhouse he should cost the parish 18*s.* a week for the support of himself and his family. Every man was acquainted with one or two idle men in his parish; but such a case as the hon. Member had alluded to was the exception, and not the rule. Let them give the agricultural labourers anything like fair wages, and there was not one man in one hundred who would not rather earn his own subsistence than lead an idle life in the workhouse. And the poor man had no fairer claim than that of a fair day's wages for a fair day's work. In the county to which he belonged (Kent), the labourers were receiving 15*s.* a week wages, when in other counties they were only receiving 7*s.* Now that wheat was at 44*s.* or 43*s.* a quarter, the rate of wages in Kent was 12*s.* a week, while in the west of England it was only 7*s.* or 8*s.* The rate of wages in Kent varied from 10*s.* to 18*s.*; but with wheat at 35*s.* a quarter the farmers never thought of reducing wages below 10*s.* It would be much better if other counties made an attempt to pay their labourers after the same rate. With regard to vagrancy, the hon. Member for Oxfordshire said it might become a national question, and he was in favour of a national payment for vagrancy. But he (Mr. Rice) thought the administration of the law with regard to vagrancy would be much better under this Bill, because it would give the poor-law guardians an interest in seeing that their officers looked sharp after the vagrants. He did not think that the objections of the hon. Member for Oxfordshire would be successful in this instance. The present measure was absolutely necessary; and he hoped that the hon. Member would not seriously oppose its going into Committee, but that he would confine his opposition to an endeavour to amend the Bill in Committee. He supported the Bill because it was both necessary and just to the ratepayers, and at the same time merciful to the poor.

MR. ROBERT PALMER said, the object of the Bill was to meet two grievances; in the first place, the vagrant question; and, secondly, that of the irremovable poor. With respect to the charges for vagrancy, there was no person who would not agree that a grievous burden should not be thrown upon any particular parish because the union workhouse happened to be built in that parish. He would agree that this charge should be made upon the union instead of upon the particular parish where the relief was given. But with respect to the general question of vagrancy, the right hon. Gentleman appeared to be of opinion that the suppression of vagrancy rested with the administrators of the law rather than with the Legislature itself; and the right hon. Gentleman said that vagrancy ought to be kept down. He would agree that it ought; but the question was how to keep it down. It was a very difficult thing for the relieving officer to say what cases he would relieve, and what he would reject. If he refused relief to a wandering beggar, such cases were reported and got before the public in a variety of ways; and very harsh, and often, he knew, very erroneous statements were published with regard to the relieving officer. If the right hon. Gentleman could suggest any means by which the relieving officers in unions could exercise their judgment in respect to cases of vagrancy, so as to reduce the system of vagrancy and the amount of these charges, he would confer great service, not only upon those persons themselves, but also upon the ratepayers. With respect to the irremovable poor, it was proposed to throw the expense of maintaining them upon the union at large instead of upon the parish in which they happened to reside. He had opposed the last law, which put the poor who had resided five years in towns upon the footing of irremovability, because he believed it would be a heavy burden upon the towns; but now that it had been enforced, and the Committee had reported their opinion to be that the principle of the law should be continued, the House would not be inclined, he thought, to repeal that law; and it would be better to put parishes upon the footing proposed by the right hon. Gentleman. He should not object to go into Committee upon the Bill, unless on the ground that it was brought forward at so late a period of the Session; and that it was desirable that more time should be given for its discussion. But the charges for vagrancy and irremovability stood upon a very different footing from the other portion of the Bill, which proposed to place the establishment charges of unions upon the new footing of a general rate on the property of the union. One of the arguments alleged in favour of placing all the union charges upon the same footing was, that it would be very inconvenient to have two rates levied on two different principles. The right hon. Gentleman had, however, himself proposed in the Bill to have two modes of assessment, because, although he wished to place the establishment charges, and also the vagrancy and irremovable poor charges, upon the general rateable property of the union, he proposed to continue the old assessment where there was a debt on the parishes to be paid. He thought the new charges ought to be left upon the same footing as the old. The right hon. Gentleman had asked whether it was right that the establishment charges of unions should be borne in the same proportions as the pauperism of parishes, and stated that the chief establishment charges were for building and maintaining workhouses and the salaries of officers. He should have thought these charges were fairly assessable according to the amount of pauperism, as originally settled on that basis, because otherwise they would fall exceedingly hard upon some parishes, particularly small parishes, where the property was in the hands of one or two proprietors, or even a single occupier, where the population was necessarily small, and the whole of the persons legally settled in the parishes were employed by that occupier. Such parishes required no union workhouse, no salary of officers, and were liable to no establishment charges of their own. But these parishes had been brought by the poor-law into the unions, and it would be unfair to overturn the arrangement by which they paid the proportion of their former outlay on these charges, and to place these establishment charges on the general rating of property in the union. The right hon. Gentleman had instanced the salaries of medical officers as a branch of the establishment charges which ought to be paid by the union generally; but it struck him that if there was any one officer whose salary might fairly be paid by parishes according to the proportion of their pauperism, it was the medical officer. If they took the case of a large parish with 100 paupers, and a smaller parish with ten, it was fair to presume, *cæteris paribus*, the healthiness of both parishes being alike, that the larger parish would require ten times more medical attendance than the smaller parish. There was, therefore, no reason why his salary should not be paid in proportion to the pauperism as well as the rest of the establishment charges. The House ought to consider what the effect of altering the mode of rating would be on the value of property in parishes held in fee or on lease. He knew an instance where a man occupied the whole area of one parish; and he paid a very considerable increase of rent to the landlord in consequence of the poor-rates upon the property being remarkably low. If the rates in some parishes were 2*s*. in the pound, and in others in the same union 4*s*. or 5*s*., it would reduce the value of property in the former, and increase it in the latter parishes, if they equalised the rates. And those who had taken leases and purchased property in parishes where the rates were low, would find that the Legislature had made a serious alteration in the value of their estates. He would support the Motion for going into Committee, although he doubted whether the right hon. Gentleman would be able to pass his measure as it stood during the present Session.

CAPTAIN PECHELL thought, that under all the circumstances the right hon. Gentleman might fairly postpone the consideration of this Bill for the present Session. It appeared, that on the 12th of July, in the Court of Queen's Bench, Lord Chief Justice Denman differed entirely from the Attorney and Solicitor General as to the residence of five years. The hon. and gallant Member read the judgment of Lord Denman in the case "Regina *v*. the Inhabitants of Salford," in which it was laid down by the learned Judge that the pauper having been fifteen months in a prison not situated within the removing parish, a residence of five years within the meaning of the Act 9 and 10 Victoria, c. 66, was not made out, and a rule absolute was granted accordingly. If there was any doubt upon the point, now was the time for the Attorney or Solicitor General to clear it up. To show the effect of this Act, he would mention one case. Since it became law, 579 families, or 1,611 persons, not belonging to Brighton, had become chargeable to the parish. Of those, 1,562 had received relief at an increased weekly cost of 136*l*. 12*s*. 7*d*., as compared with the preceding year. Of the 1,611 persons who had become chargeable, only 126 could be properly fixed upon Brighton, as those persons had resided there five years without relief, and were consequently irremovable. Of the remaining 1,485, with the exception of the few whose parishes had agreed to reimburse the relief, the parish had submitted to the expense from motives of humanity rather than inflict the cruelty of removal upon the unfortunate poor. The House was now told by the right hon. Gentleman that the whole expense of these persons was to be thrown upon the union fund; and that the guardians were to levy a rate upon the basis of the county rate; and if they were not satisfied with the mode of valuation, they were to be empowered to order a fresh one; which latter provision, he thought, would be very objectionable. He was of opinion that there was an inconsistency in the Bill as regarded the exclusion of the universities, inns of court, and other extra-parochial places. He approved of private rates, which the right hon. Gentleman had condemned in so signal a manner, and was sure that if a private rate had been established in the Andover union, such a report as had emanated from the Committee on the case of that union would never have been laid upon the table. It had been said that there was less agitation on the subject of the poor-law since the right hon. Gentleman (Mr. C. Buller) had assumed his present position; and it had been also said that the right hon. Gentleman had done nothing. He (Captain Pechell) wished, however, to give the right hon. Gentleman the benefit of his labours. When the late Commissioners went out of office—and they had been thrown out solely by the exertions of the Andover Union Committee, which had made a clearance of Somerset-house—and the right hon. Gentleman succeeded them, he found an order consolidating certain rules and regulations, which he confirmed; and of some of those rules he (Captain Pechell) much approved. The gallant Officer referred to several minor regulations adopted by the right hon. Gentleman, and concluded. He was willing to give the right hon. Gentleman his due share of praise for all that he had done since he had been in office; but with respect to the Bill before the House, he thought it ought to be delayed until another Session, for the question was of great importance, and there was not time to consider it.

MR. HENRY DRUMMOND agreed with the hon. Member for Oxfordshire, that this was a tinkering measure; but as that hon. Gentleman had not given a definition of what a "tinkering" measure was, he (Mr. Drummond) would endeavour to do so. He meant by "tinkering," a bad mending of a bad thing; and that, he thought, was a natural and inseparable part of the new poor-law system, and whether they got in the small end of the wedge or the large end of the wedge mattered not. The measure itself was bad from the beginning. It was a measure they had never been able to work, and the whole practice of it was directly in the teeth of the professions and statements that were made on proposing it. But he had never been, nor would he be now, a party to any agitation upon this or upon any other question. Say what they would of it, agitation was an appeal to men's passions when you knew you could not convince their reason. The repeal of the corn law was carried by agitation; and this very measure of the poor-law, which he very much disliked, was produced by agitation. In this country, however much a law was disapproved of, efforts were made to carry it out honestly; but over the water, in the sister country, the rule was agitation—and no matter what law was passed, high and low, rich and poor, exerted their utmost ingenuity to drive a coach and six through it. As to the clearance system, to which the right hon. Gentleman had alluded, he had only heard of one such case, which he would not now name, in which a proprietor had, many years ago, pulled down the cottages on his estate. But, what proprietors certainly did not do was to build cottages at a dead loss; for it was perfectly impossible to build them in any way that should repay the outlay. There were well-managed parishes which had been stigmatised with the name of close parishes; but the system in them might be very advantageously compared with that which prevailed in other places called open parishes, where an individual or individuals ran up a few cottages, let them at an enormous rent to the poor, then supplied the inmates with goods —no matter of what quality—from their own shops, and finally sold up every article of furniture the poor people possessed. That was the open parish system; and now the Government were going to make the so-called close parishes pay the rates of the parishes in which paupers were so recklessly introduced. That was the avowed intention. The private rates which the right hon. Gentleman had stigmatised arose out of those circumstances. The great fault of the whole Somerset-house system was that they treated men like abstractions. They thought that all the poor were alike, and all labourers alike. That was what they did at Somerset-house, though. In all cases they spoke of the labourer as one fixed quantity. Now, if there were 100 labourers in a parish, ten of them perhaps were first-rate, and the remainder bad, arising in some cases from infirmity, in others from age, or from other causes. What the hon. Member for Oxfordshire said was true, although it had been denied by the hon. Gentleman opposite, that on 10*s.* a week a man would support his wife and six children. If that man was thrown out of work, he went into the poorhouse. Yes; but there he was separated from his wife and children. There you came to abstractions again. Did not the House think that a man would do anything rather than submit to that? They talked of the workhouse test; but it was a mercy for the farmers and gentlemen of the county to meet in the autumn and apportion out the work among them so as to keep the labourers out of the poorhouse. That was the reason for a private rate. Was it meant that it was of no advantage if the owners of land and farmers met together and said, "We will employ the poor, although at this time it is not profitable to us, and, to a certain extent, the labour is unproductive?" But in some cases it was not unproductive. If a man was employed at 10*s.* a week, and he kept his whole family upon those wages, but only gave the worth of 5*s.* a week in his work, it was surely a greater advantage than to send that man with his wife and six children to the poorhouse, where they could not be supported for less than 2*s.* 6*d.* a day. The truth was that they had never been able to carry out the new poor-law practically and consistently; for the returns showed the great amount of outdoor relief that was granted. By this new poor-law they had dried up all the sources of private charity; and this effect of the law they were now going to increase. It was the interest of every gentleman to keep the poor around him, without exasperating them; without exacting from them rent they could not pay; and without putting them in the workhouse, which they abhorred; and so long as parishes could keep themselves clear, so long they would. But the moment they were joined to a neighbouring parish which was deluging the country with paupers, that became a hopeless case. He had 200 cottages, and he would give them to any one who would keep them in repair. As to the scheme of union rating, there was no intelligible principle in it. There was a principle in universal rating, but none in union rating, and they could not by talking substitute a no principle for a principle, even if a bad one. There being a principle in universal rating, he would, hating it as he did, vote for it at once, rather than go on in this way by degrees towards it. The advantage of the old system was, that all the people meeting together every Sunday at their parish church knew one another, knew their mutual distresses and wants, and could assist the overseers in detecting imposture. Moreover, the clergymen were by law the overseers and guardians of the poor, and they, he thought, had shamefully abandoned their charge in never demonstrating against the new poor-law as they ought. They had abandoned the poor, and now the poor were abandoning them. But, instead of the feelings and principles which were bound up with the old system, it was now made a mere matter of geography, and it mattered not whether the compasses were struck in one place or another. Under the new state of things, there was no person in the union whose heart was drawn out towards the poor; and it was nothing but a vile system of money saving on one side, and of cheating on the other. He disliked this Bill very much; but if the right hon. Gentleman persisted in pressing it, he must go into Committee and endeavour to render the measure as good as it could be made.

Mr. V. SMITH said, that the hon. Member who had just sat down, had, while deprecating agitation on any question, used the language and the terms of agitation as regarded what he had called the Somerset-house system of treating man as an abstraction. Whatever rules and regulations had been adopted in respect to the administration of the poor-law, Parliament were as responsible for as the Commissioners themselves. He (Mr. V. Smith) could not support the Motion of the hon. Member for Oxfordshire; for there were three or four principles contained in this Bill which were deserving of consideration in Committee. He would not say he did not entertain doubts with respect to some of them; but the whole subject was difficult and complicated, and required the most careful consideration. But, although he was not prepared to vote with the hon. Member for Oxfordshire, he was at the same time convinced that the Bill would not pass this Session; and, after the opinions which had been given by Gentlemen who were so well acquainted with rural affairs, he was almost disposed to recommend his right hon. Friend to withdraw the Bill for the present. For some five Sessions of Parliament the House had been attempting to deal with that important question, the law of settlement, but without producing any advantage, because, instead of grasping some great principle at once, they had been trying to effect their object bit by bit. Although he gave great credit to his right hon. Friend for his ability, and thought that his exertions had been of great utility, he still thought that the Bill now introduced was not of so ample and comprehensive a character as to be considered a final settlement of the question. There were four questions which the discussion on the present Bill necessarily raised, and one of these was vagrancy; it certainly appeared to him, that throwing vagrancy on the unions did not meet the cases which it was necessary to meet in the manner in which it was desirable to meet them. This question of vagrancy was not perhaps so clear as it was generally supposed to be. If roads went through a parish, and vagrants frequented those roads, though the parish might suffer from the vagrants, it gained from the roads. He would put it to hon. Members to say, did not such a parish so circumstanced derive compensation from the existence of the roads, and on account of its position? A parish might suffer under the apparent ill-luck of having a railway running through it; but it had likewise many advantages from that circumstance. He thought that parochial tithes were burdensome, and that it would be much better to have their range extended over a wider area. Parochial tithes and parochial rates had the effect of preventing men being employed out of their own parishes; and such was the strength of this feeling that, generally speaking, the people at large were too ready to consider that the interests of the parish were the first thing to be attended to, and thus the employer was crippled in his operations, while the poor man found it difficult to obtain employment. From such causes resulted a slovenly mode of doing work, and insufficient payment even for inferior labour. Looking then both at tithes and payment for the poor, he should say that there ought to be a wider area of rateability; though he wished to see settlement put an end to, he by no means desired a national rate, because he thought that the effect of a national rate would be to remove all efficient supervision. As to the present measure, it could not be regarded otherwise than as a temporary matter; and even at best Ministers could hardly consider it one of great urgency, for they must be conscious that it could not pass in the present Session; and he hoped that in leaving it to a subsequent Session they would produce a Bill that would deal largely with the questions to which he had referred.

Mr. BANKES said, whether or not Ministers thought proper to endeavour to proceed with the other stages of the Bill, it was a measure which could not pass in the present Session. The Bill was one of considerable importance as regarded the ratepayers, but it was of much greater importance as regarded the poor, for it involved the question of the parochial care of the poor. In his opinion they would never arrive at a satisfactory result till they altered the size of the unions, and he thought the original Poor Law Commissioners were guilty of a great mistake in making so many of the unions most inconveniently large. Doubtless small parishes might be so combined as to render one union of not greater size than a large parish. On the present occasion he felt indisposed to press upon the attention of hon. Members any argument on the one side or the other, for he thought not only that the Bill ought not to pass in the present Session of Parliament, but that it ought not to be discussed in so thin a House as the present. Considering, then, the period of the Session, he must ask them should the Bill proceed further during the present year? Something had been said—indeed, much had been said on the subject of union rating—that was a large question, and might lead to the still larger question of national rating; a species of rating which he did not hope the farmers and yeomanry would oppose. Of course, if there were to be a national rating there would be an attempt to subject funded property to the expense of maintaining the poor. Before he sat down he wished distinctly to say that he could not give his consent to the Poor Removal Act being made permanent. Now, at the end of two years, there did not appear the same utility in its provisions that there might have been in the first few months after it passed; at the same time, though he did not wish it to exist as a permanent measure, he did think it might be advantageously continued for another year, when the people in the towns would have had sufficient experience of it. He might further add, that the Bill appeared to him to create a very extraordinary tribunal, which might or might not act, and to which an appeal might or might not be brought. Against this part of the Bill he entertained very strong objections, and for the various reasons which he had stated, he should act with his hon. Friend the Member for Oxfordshire in case the Bill should get beyond the next stage.

Debate again adjourned.

STATE OF IRELAND.

Mr. MONSELL begged to put a question to the right hon. Gentleman the Secretary of State for the Home Department relative to the rumours which had reached the metropolis that day. He would only ask what accounts the right hon. Gentleman had received from Ireland?

SIR G. GREY had great satisfaction in stating that he had every reason to believe that the alarming accounts which appeared in the late editions of the morning papers, and which were transmitted by electric telegraph from Liverpool, of an insurrection having actually broken out in the south of Ireland, were totally destitute of foundation.

MR. G. A. HAMILTON said, that if in the present state of Ireland any partial outbreak should unfortunately occur, it was reasonable to suppose that very great excitement would prevail everywhere; and, under these circumstances, it would be the imperative duty of every loyal subject connected with Ireland to place himself at the disposal of the Government for the purpose of rendering himself useful either in opposing insurrection or tranquillising the minds of the community. He therefore asked whether it was the wish of the Government that Irish Gentlemen, and particularly Irish Members of Parliament having influence in Ireland, should leave this country and go to their own respective districts; and, if so, what course the Government would then propose to take with respect to Irish business in that House?

SIR G. GREY replied, that several Gentlemen connected with Ireland had called on him in the course of the day, and expressed their willingness, in consequence of the accounts which had been published, to proceed immediately to Ireland, and render all the service in their power for the maintenance of tranquillity. Though he believed that the information transmitted by the telegraph was totally destitute of foundation, yet in the state of the country where this insurrection was reported to have broken out, he thought that Irish gentlemen of property, influence, character, and weight, could not do better than proceed to Ireland, and in their respective neghbourhoods exert themselves for the maintenance of order. Under these circumstances he was authorised by his noble Friend to say that the Government would not immediately proceed with Irish business.

CORRUPT PRACTICES AT ELECTIONS BILL.

On the Order of the Day for going into Committee,

COLONEL SIBTHORP said, he considered this a most partial measure, inasmuch as the city of London and other boroughs, the constituencies of which were amongst the most corrupt in the country, were exempted from its operation; and he would therefore oppose the Bill clause by clause. It was not unusual, he believed, for hon. Gentlemen holding high situations—Under Secretaries of State, for instance—to promise electors situations in the Customs or Excise for their sons, and situations as necessary women or dressers for the female members of their families. If this Bill received the sanction of Parliament no man would be secure from the charge of corrupt practices, although he might be perfectly innocent. He was aware that he might be charged with offering a factious opposition to the measure; but he considered that he was justified in opposing a Bill of this nature by every means in his power. He (Col. Sibthorp) begged to move as an Amendment that the Bill be committed that day three months.

The SOLICITOR GENERAL thought that the greater part of the observations of the hon. and gallant Member would be more in place in Committee on the Bill. He trusted, therefore, that they would be allowed to go into Committee on the Bill, as the hon. and gallant Member would have other opportunities, at future stages of the Measure, of persevering in his opposition to it, should he then think fit to do so.

MR. ANSTEY said, that the objections to the measure were not objections of detail, but of principle and substance; and no mere amendments in Committee could set right a Bill which was open to opposition on such grounds. How could it be said that boroughs—and such were included in this Bill—could be guilty of corrupt practices, when Committees had reported of the Members for them that they had merely been guilty by their agents of treating? He admitted that treating might be carried on upon so large and costly a scale as, in some cases, to amount to bribery; but acts of that kind answered for themselves. Harmless acts of treating were not illegal at common law; but they were now considered wrong, because prohibited by an Act of Parliament. Why, this was poisoning morality at its very source. But if harmless treating was to be designated as "corrupt practices," what designation was to be given to the bribery of the Whigs of Derby, and of the

Radicals of Leicester? But boroughs were introduced into the schedule attached to this Bill, with respect to which Committees of that House had reported that further inquiry was necessary; others, with regard to which it was not reported that such inquiry was necessary; and others, in reference to which Committees had reported that further inquiry was not necessary. The hon. Member showed that this was the case, by reference to some of the boroughs named in the Bill. The Bill, too, was an *ex post facto* law. What course should Parliament take? Was it intended that the decision of the Commissioner should be upheld and acted upon, unless a strong case was made to the country? His objection to the Bill was not on account of its details, but of its principle. The second section gave such plenary powers to the Commissioners that it removed them entirely from the jurisdiction of the House. The fourth section empowered the Commissioners to revise the decisions of Election Committees. Those who had borne the inconvenience and enormous expense of a contest before an Election Committee, were to be afterwards subjected to the annoyance of having a decision in their favour reversed. The third section empowered the Commissioners to inquire not only into the mal-practices of electors, but whether such practices were in conformity with the customs of the place. The Commissioners had first to inquire what was custom; and this would involve them in such antiquarian researches as, at five guineas a day, would be the source of no small profit to the learned Gentlemen engaged in the inquiry. This mischievous Bill would prove a fertile source of expense to the country, and also cause a delay of justice. A sufficient number of learned and competent men could not be found to act as Commissioners. The deficiency would have to be supplied by the appointment of parties who were unsuccessful in their profession; and these men would have to decide on the character of Members of that hon. House. A few unknown barristers, in whose selection the House had no voice, would be invested with the power of inflicting the severest pains and penalties on their fellow subjects. While the Speaker was to authorise parties to prosecute an inquiry into an election, no provision was made for hearing the parties interested. This was very disgraceful indeed. It was disgraceful for those who always had the name of liberty on their lips, and who, when they sought to oppress the weak, did it in the name of human progress—it was disgraceful for them to cause such interruption. The eleventh clause gave absolute power to the Commissioners to summon witnesses, and examine them without any of those restrictions which the constitution had interposed to prevent breaches of faith and personal honour. The spiritual relation of clergyman and penitent, and also that of lawyer and client, were to afford no protection to the witness. He was bound to answer every question, or be subjected to such penalties as were inflicted by the superior courts of Westminster Hall on persons refusing to give evidence. The second clause gave an indemnity against future prosecution for bribery, perjury, &c., to all who might come forward and give evidence under this Bill. [An Hon. MEMBER: Divide, divide!] No, the House shall not divide; and I speak in the spirit of prophecy when I say so. This Bill offered a direct premium to guilty men to come forward and give evidence, not of the truth, but of such facts as they might think fit to adduce; and then it was enacted that, after they had once satisfied that condition of giving evidence, right or wrong, true or false, it mattered not to the noble Lord at the head of the Government. Then, forsooth, they were to be exempted from all liability to prosecution —not only for acts to which their evidence related, but for all practices whatsoever, however guilty in character, or however openly proved against them in the existing courts of criminal jurisdiction, which might in any manner relate to the previous election. So that if, for instance, in the case of Horsham, the guilty party came forward and said, "I am the party that bribed—I bought and sold the electors," it would then be impossible to prosecute him. No notice was to be taken of the truth or falsehood of the evidence. He (Mr. Anstey) was justified, therefore, in describing this measure to be but a servile copy of the Bill of the hon. Member for the Flint boroughs. Clause seventeen referred to the expenses of the inquiries; it provided that every Commissioner under this Act should be paid at the rate of *5l. 5s.* every day that he should be actually employed in conducting any inquiries under the Act, over and above his travelling and other expenses. The Commissioners would have to lay before the Treasury a statement of the number of days that they had been employed, together with an account of their travelling and other expenses; and then the Treasury was to make an order for the payment of the same. Now, there was no provision in the Bill that the "travelling and other expenses" should be properly and necessarily incurred—no limit was assigned to what might be a wasteful and profligate expenditure; not that he attached very much importance to any such limitation. The eighteenth clause prevented the appointment of any counsel for the defence. The inquiry might be, and probably would be, *exparte.* If it were to be so, then there would be a consistent tenor of injustice, whereat hon. Members who valued uniformity over and above every thing else, would no doubt rejoice. This Act would, notwithstanding any declaration in itself to the contrary, be a private and not a public Act; and the result would be a series of actions at law, and conflicts of the Judges with that House, such as they had witnessed when, amid the cheers of Members occupying seats on the Ministerial side of the House, it was proposod to summon to their bar, and commit to the Tower, the venerable Judges of the land for having duly administered justice. He concluded by saying that he would go with his hon. and gallant Friend (Colonel Sibthorp) into the lobby against the further progress of this Bill.

Mr. HUDSON, having taken part with his hon. and gallant Friend in opposing this Bill when it was last before the House, begged to say that, on the present occasion, he would altogether abstain from voting upon it. As he found that, in offering his opposition to this Bill in its present state, he differed from those hon. Gentlemen with whom he was in the habit of acting, he felt that he had no right any longer to obstruct its progress. But his objections to the principles of this Bill were as strong as ever. He was perfectly satisfied that this Bill would confer no benefit upon, whilst it would introduce into, all the boroughs to which it related scenes of unpleasantness and heartburnings. It was impossible for it to produce any good effect. He thought the hon. and learned Solicitor General would have acted wisely had he listened to the few observations which fell from his hon. and gallant Friend the Member for Lincoln, who suggested that, rather than look for any practical and beneficial results under this Bill, he should apply his legal mind and judgment to the amendment of the law, which had been found inefficient in its operation, and endangered the seat of every Member in that House. If he had set about some such definite measure as that, he was satisfied that the hon. and learned Gentleman would have accomplished the object which he had in view, viz., the prevention of practices which no one in that House could justify. A long inquiry had taken place before a Committee of that House with regard to his (Mr. Hudson's) own election for the city of York. And what was the result? The production of a large blue book. With regard to the evidence given therein, no proceedings were afterwards taken. The effect of that inquiry was to spread dissension throughout the city of York. Men were fetched from York, who reported private conversations held with him—a practice which the Solicitor General himself would be the first to reprobate. And he (Mr. Hudson) saw no protection against similar mal-practices being suffered to take place with regard to the boroughs named in this Bill. Private conversations at the dinner table, and elsewhere, were reported to the Committee on the York election; his banking book—nothing was too sacred to be exposed to the world through the medium of the Election Committee. If they wished to put an end to corrupt practices at elections, let them bring forward some measure embodying a definite and general principle. Why should they seek to visit a few boroughs with punishment, and allow corruption and bribery to have full play throughout the rest of the kingdom? He could not see with what fairness, or semblance of fairness, the right hon. Gentleman could push on this Bill. In London it was alleged that corrupt practices took place at the last election; and surely London, too, ought to form one of the names in the schedule of the Bill. It was the poor and miserable—"the runners," as they were called—men who followed the candidate about, and were obliged to cheer whether the Members made a good speech or a bad one—that would feel the penalties of the Bill most. If they did not allow refreshments to the poor voters, the practical effect of the Bill would be to disfranchise all but the wealthy voters, for the poor man would not walk a long distance merely to give his vote, unable, as he often had been, to provide refreshments for himself. The Bill did not grapple with the influence, the unjust influence, of the opulent, and the noble, and the powerful. Their legislation was entirely directed against the poor man. It was well known that the hon. Member for the West Riding and his friends had resorted to the system of creating faggot votes, by first buying a piece of land, and then dividing it; and by this means they had carried several elections. This fact showed that it was not by giving refreshments only that many elections had been overborne. It was a system which influenced the votes, not in a legitimate, proper, and constitutional manner. Again, he could name boroughs in his own neighbourhood, the representation of which was really vested in a noble Lord. Was not this a greater violence to the constitution than the receipt by a poor man of his refreshments? The object, however, was to disfranchise the poor freemen, by whom the Reform Bill had in reality been carried, through the means of a specious inquiry. And what would be the practical result? The Solicitor General had not ventured to answer this question; but he ought to do so, and not quite depend upon his majorities. What would the hon. Gentleman do with Horsham and Derby? What would be the practical effect of it in these boroughs? It would have been fairer to the House if the Solicitor General had told them what would be the real result of the proposed inquiry? People could not be made pure by Act of Parliament. He would conclude by again saying, that he objected to the provisions of the Bill, although, after the majorities which had already maintained it, he would not now vote upon the Amendment of his hon. and gallant Friend.

MR. URQUHART called upon the Attorney General to answer two questions. The first was, whether it was in the power of the House of Commons to delegate its authority to a second body; and whether a Committee of this House to which such power would be delegated, could again delegate that power to a third body, a Commission? The second question he had to ask was, whether this Bill was a private or a public Bill; and whether or no it would not be treated as a private Bill in courts of law; and further, if the decisions of the courts of law might not by this Bill be brought into collision with those of this House? He regarded the measure as partial, insidious, and hypocritical, and it was his determination to support the Amendment.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 96; Noes 2: Majority 94.

[It will be sufficient to insert the Noes.]

List of the NOES.

Hodgson, W. N.
Urquhart, D.

TELLERS.

Sibthorp, Col.
Anstey, T. C.

House in Committee.

On Clause 2,

MR. HENLEY moved as an Amendment the omission of the words "empowering a Committee to examine sitting Members, Candidates, and their Agents." It was not fair, under such circumstances, to subject Gentlemen to severe cross-examination.

The Committee divided on the question that the words proposed to be left out stand part of the question:—Ayes 110; Noes 22: Majority 88.

[We give only the Noes.]

List of the NOES.

Anstey, T. C.
Bankes, G.
Beresford, W.
Berkeley, hon. H. F.
Carew, W. H. P.
Christy, S.
Colebrooke, Sir T. E.
Dodd, G.
Farnham, E. B.
Floyer, J.
Godson, R.
Gwyn, H.
Hall, Col.
Henley, J. W.
Hood, Sir A.
Mullings, J. R.
O'Brien, Sir L.
Packe, C. W.
Sandars, G.
Urquhart, D.
Waddington, H. S.
Willoughby, Sir H.

TELLERS.

Sibthorp, Col.
Hobhouse, T. B.

MR. ANSTEY said, that as it was then twelve o'clock, and as there were fifteen other Orders of the Day to be gone through, he begged to move that the Chairman do now report progress.

The Committee divided:—Ayes 2; Noes, 117: Majority 115.

List of the AYES.

Anstey, T. C.
Gwyn, H.

TELLERS.

Sibthorp, Col.
Urquhart, D.

After some further conversation, House resumed. Committee to sit again.

House adjourned at a quarter past Two o'clock.

HOUSE OF LORDS,

Friday, July 28, 1848.

MINUTES.] PUBLIC BILLS.—2° Administration of Criminal Justice; Declaratory Suits.

Reported.—Highland Roads and Bridges (Scotland); Wolverhampton Curacy.

3ª and passed:—Provident Associations Fraud Prevention; Ecclesiastical Patronage Suits Compromise (Ireland); Prisons.

PETITIONS PRESENTED. From the Inhabitants of Bath and Exeter, also from Places in Ireland, against the Present System of National Education.—From the Parish of St. Marylebone, for the Passing of some Measure to facilitate Emigration.—From the Edinburgh and Glasgow Union Canal Company, against the Edinburgh Police

(Amendment and Consolidation of Acts and Police and Sanitary Improvement) Bill.—From the Township of Peterborough, in favour of the Public Health Bill.—From several Congregations of the Wesleyan Methodists at Betley, Namptwich, and several other Places, against the Sale of Intoxicating Liquors on Sundays.—From the Inhabitants of Belfast, praying for the Extension of the Public Health Bill to Ireland.—From the Grand Jury of Limerick, for some Enactment for the Completion of Roads, Ireland.

DECLARATORY SUITS BILL.

Lord BROUGHAM, on moving the Second Reading of this Bill, said that he would briefly state the objects of it. As the law of England stood at present, if a doubt existed as to the goodness of a man's title to his estate, he was obliged to wait until such time as the doubt should be raised, and an action brought against him to test its validity. Such a claim might not be made during his lifetime, and he would be unable to clear his title without. In like manner questions as to the legitimacy or illegitimacy of persons might be raised, and yet no opportunity be given of proving legitimacy by the regular course of law. So also with respect to marriages; it might be necessary frequently to have a marriage declared to be valid; but under the existing law it could not be done. The object of the Bill was to cure those defects of the law by importing into England, as an improvement, the Scotch Declaratory Act. In Scotland a party, by proceeding in what was called a declaratory action, could obtain the opinions of the Court of Session on any question he found it necessary to raise—on a question affecting, for example, his title, his marriage, or his legitimacy, or even on such a matter as the right of fishing, or the right of way. On all such points the decision of the court could be obtained by bringing the action he had referred to; and it was this, as an improvement of the law, he wished to import into England. Many of his predecessors, as well as the present occupant of the woolsack, had declared themselves in favour of the adoption of such a measure; and the difficulties to be overcome in effecting this object were chiefly of a technical nature. He should have to make a number of alterations in Committee on the Bill; and he believed that these would be material improvements, and he would do this before they proceeded to discuss the details of the Bill. He trusted, as the measure was a short one, that they would be able to get through it this Session; but if there were any serious objections to this he would postpone it until next Session.

The LORD CHANCELLOR entirely concurred with his noble and learned Friend as to the great advantages which were likely to arise from a measure of this kind if carried into effect; at the same time, however, he could not disguise from himself that there would be great difficulties in its details. He would recommend his noble and learned Friend to introduce his amendments in Committee, and then postpone the Bill.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Friday, July 28, 1848.

Minutes.] New Writ. For Thetford, *v.* the Hon. William Bingham Baring, now Lord Ashburton.

Public Bills.—1° Attorneys and Solicitors (Ireland); Marriage (Scotland); Dublin Police; Assessionable Manors Commissioners (Duchies of Cornwall and Lancaster).

2° Paymasters Officers Consolidation; Poor Law Union Charges (No. 2).

Reported.—Rum, &c. Duties; British Spirits Warehousing; Reproductive Loan Fund Institution (Ireland); Juvenile Offenders (Ireland); Land Tax Commissioners Names.

3° and passed:—Salmon Breed Preservation; Public Works (Ireland) (No. 2).

Petitions Presented. By Mr. Cobden, from Lockwood, Yorkshire, for a Better Observance of the Lord's Day.—By Mr. William Lockhart, from the Parochial Board of Govan, Lanarkshire, against the Marriage (Scotland) Bill.—By Sir H. F. Davie, from the Magistrates and Council of Dunbar, for Inquiry into the Working of the Excise Laws.—By Mr. Thornely, from the Proprietors and Farmers of Fifeshire, against a Reduction of the Differential Duty on Rum.—By Mr. Alexander Hastie, from the Wine and Spirit Merchants of Glasgow, for an Alteration of the British Spirits Warehousing Bill.—By Mr. Stafford, from several Inhabitants of Northampton, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Milner Gibson, from Manchester, in favour of a Secular Education.—By Mr. Scott, from Guardians of the Barnet Union, in favour of Free Emigration.—By Colonel Dunne, from the County of Meath, for an Alteration of the Poor Law (Ireland).

POOR LAW BILLS.

Mr. C. BULLER thought he should behave ill to the House if he did not announce as speedily as possible his intentions respecting the Bills which he had announced. One of these Bills—the Poor Law Officers' Superannuation Allowances Bill—had not been discussed in that House; but he understood that strong objections to that Bill had been entertained in the House, and that those objections also extended very much to the country. He would therefore move that the Order of the Day for that Bill be discharged. With regard to the Poor Law Union Charges Bill, he had received letters from the country, which led him to believe that he should obtain the general assent of all parties to the passing of this Bill. But the opponents of this Bill were able to wield one power which was irresistible at the present period of the Session—the power of time. He could not, however, drop this Bill altogether, as he proposed to do the others, because there was one provision which it was absolutely necessary he should pass this Session, namely, the renewal of Mr. Bodkin's Act of last Session. There was also another provision of the Bill which he hoped to pass; all partiess appeared to be of opinion that the charge for vagrancy should be made a charge on the unions; and unless the House passed this clause, it would be quite hopeless for him to attempt to struggle against the present great evil of vagrancy. It would therefore be his duty to press this clause, and also the renewal of Mr. Bodkin's Act. If the House would permit the Bill to be read a second time that evening, and allow it to go into Committee *pro formâ*, he would cut out all the provisions except those to which he had referred. He would move that the Order of the Day for the second reading of the Poor Law Officers' Superannuation Allowances Bill should be discharged.

Order read and discharged.

THE ELECTRIC TELEGRAPH—FALSE NEWS.

MR. MACKINNON wished to know whether it were within the power and the intention of the Government to prevent the spreading of false news and intelligence by the electric telegraph?

SIR G. GREY feared it would be impossible to prevent the perpetration of such frauds, whether by means of the electric telegraph or otherwise. By the Act of Parliament under which the Electric Telegraph Company was constituted, the Government was invested with power, by a warrant under the hands of the Secretary of State, to take possession of the whole machinery and apparatus of the telegraph, with a view of preventing any intelligence being forwarded without the sanction of the Government. That process, however, involved very considerable expense, as the Government were bound to remunerate the company; and such a power was only to be used under extraordinary circumstances justifying suspicion.

REMEDIAL MEASURES FOR IRELAND.

On the question that the House resolve itself into a Committee of Supply,

MR. SHARMAN CRAWFORD rose for the purpose of bringing under the notice of the House a subject of the deepest interest—interesting to men of all parties, most especially interesting to landlords, and, above all others, to Irish landlords. He should begin by reading the Motion with which he intended to conclude. It was in these words:—

> "That the present distracted state of Ireland demands the instant attention of Parliament, with a view to the speedy enactment of such measures as may be necessary to improve the condition, redress the grievances, and establish the just rights of the Irish people, and thereby promote the good order and prosperity of that portion of the United Kingdom, and give increased security to Her Majesty's Crown and Government."

He did hope, then, that the House would give the attention necessary, on the present occasion, for a fair and full discussion. Hon. Members could scarcely have forgotten that in the year 1844 the noble Lord now at the head of the Government brought forward a Motion for a Committee to consider the state of Ireland, upon which occasion the noble Lord expressed many sentiments in unison with those which he (Mr. S. Crawford) himself held. In 1844 that Motion had been carried; and he would ask the House what had been the state of Ireland from that time to the present; and he would appeal to them, what was now to be done with Ireland? If any hon. Member said he knew not what could be done with that country, he would reply it was not for want of sufficient information being laid before the House, on the subject of Irish wants and Irish distress; for, over and over again, they had had statements respecting the wrongs and miseries of that unhappy land. He charged England with having most deeply wronged Ireland. He never entertained a doubt that England could redress the wrongs of Ireland; and he complained that up to the present time England had taken no effectual means to redress any of her grievances. He would remind the House that in the year 1844 the noble Lord opposite had told them that Ireland was in a most deplorable state; he drew a picture of the condition of that country which in all respects was most appalling. Now, he would ask why was Ireland in that condition — why was Ireland in such a state that it might be said of her she was held by British troops but not ruled by British authority? Ireland was occupied by a military force; but not governed by the Lieutenant of the Queen. From the report of the Landlord and

Tenant Commission, it was evident that the people of Ireland were badly fed, badly clothed, badly housed, dependent upon precarious employment, and uncertain supplies of food. Upon the authority of the Poor Law Commissioners he might state that a great proportion of the people of Ireland were without the common necessaries of life; they had no food but potatoes, they had scarcely one meal a day; and such was the deplorable state of the poor in Ireland, such the wide spread of pauperism, that the last rate made for the relief of the poor amounted to 4,500,000*l.* The long-continued pressure of those rates was pulling down the middle class to the same level as that which was occupied by the paupers themselves—without shelter, without food, starving and dying; and yet all this time vast tracts of waste lands were left uncultivated, and corn was cheap. Why was that? It was because the people of Ireland had been misgoverned—it was because they had been oppressed by partial and unjust laws—it was because they had been overborne by the power of a British Parliament. They had been treated as a race of slaves, and the Legislature had made the landlords the masters of those slaves. Many of the evils under which Ireland laboured were to be imputed to the jealousy of England, both before and after the Union. He would not enter into that history of 700 years of English oppression in Ireland, which the late Mr. O'Connell had often most forcibly brought under their notice. He would not go into that long catalogue of miseries, but confine himself to a few facts. Cruel and unjust penal laws bore down the oppressed Catholic from the reign of Queen Anne till the close of the reign of George IV., and a system of Protestant ascendancy was established which worked ill even for the Protestants themselves. About the year 1727 Dean Swift made some efforts to establish a spirit of freedom in Ireland; but the spirit of free trade had not then been called forth. At the time to which he was referring, the people of Ireland could not trade with the colonies of Great Britain, except under very severe restrictions, in fact, amounting to prohibition. Again and again Ireland demanded the rights of free trade; again her claims were rejected by the Parliament of England; and that resistance to her just demands proceeded principally from the representations made to the Legislature by the commercial classes in Bristol and Manchester, and other great towns in England. In 1778, owing to the disastrous termination of the American war, and the influence of other causes, this country was in a deeply depressed condition; then the Irish Volunteers were called into existence; but that body did not dissolve themselves till, with arms in their hands, they demanded and obtained free trade for Ireland. He mentioned that to show that what ought to have been given from a sense of justice, was yielded to the stern demands of armed men. In 1789 Mr. Grattan gave to the world a frightful picture of the enormous corruptions which prevailed in Ireland, and in which there was no abatement till 1,800, the period of the Union. From that time to the present the history of Irish legislation must be fresh in the recollection of the House; neither could hon. Members forget that in 1844 the noble Lord opposite had developed his views of what ought to be the government of Ireland. Those were certainly the principles on which the Union was professed to be founded; and the noble Lord inquired whether they had been carried out; and he now asked the same question. The Roman Catholics were promised that if the Union were once established they should be emancipated and placed on an equality with the Protestants. But after the Union this act of justice was refused over and over again; and when discontent arose in consequence, coercive laws were passed. The promise made to the Roman Catholics was not realised until a period of twenty-nine years afterwards; and it was then granted, as the noble Duke who carried Catholic emancipation said, to avoid the evils of civil war. It consequently did not produce that satisfaction which it would have done, had it been granted earlier. The repeal of the penal laws was accompanied by another Act, which took away from the former a great part of its advantage — the disfranchisement of the 40*s.* freeholders. Another grievance which that House had pledged itself to redress was connected with the tithe question. In 1835 a Tithe Bill was introduced under the Government of the right hon. Member for Tamworth; and in the same year the noble Lord now at the head of the Government moved and carried resolutions to the effect that no measure upon the subject of tithes in Ireland could lead to a satisfactory and final adjustment of the question that did not embody the principle that any surplus revenue of the

Church Establishment in Ireland, not required for the spiritual care of its members, should be applied to the moral and religious education of all classes of the people, without distinction of any religious persuasion. Since that period several successive Bills were introduced on the subject; but none was carried till 1838, when a Bill, brought in by the noble Lord now at the head of the Woods and Forests, was passed, which wholly threw aside the principle of appropriation, and was similar to the Bill introduced by the Government of the right hon. Baronet the Member for Tamworth. Thus the pledges so often given by that House were violated. If he were told that the tithes were paid by the landlords, and not by the people, he must deny such an assertion, for tithes were as much paid by the people now as before. The tithes amounted to 378,000*l.* a year, and the revenues of the church lands to 201,000*l.* a year, making a total of upwards of half a million a year, which still continued to be drained from the resources of the people of Ireland and applied to the use of one Church, the members of which did not exceed one-twelfth of the whole population. The Presbyterian ministers were also paid large stipends out of the revenues of the State; but the clergymen of the Roman Catholic Church were paid by the people, who were thus obliged to pay, one way or another, the ministers of two Churches, and the ministers of their own besides. Whilst such enormous abuses existed, could there be anything but discontent? Could these things be considered otherwise than as a badge of slavery by any people having proper notions of liberty? The next question in respect to which breaches of faith had been committed by the Parliament, was connected with the franchise and registration for Ireland. Various Bills had been brought in on this subject since 1835; and in the present year a Bill had been introduced by the right hon. Gentleman the Secretary for Ireland; but that had been abandoned. The franchise in Ireland had been nearly annihilated—it was so small that it hardly deserved the name; and yet the country had been trifled with on this subject since 1835. Bills had been brought in acknowledging the grievance, and as yet the remedy was not applied. Was it any wonder, then, that discontent should exist in Ireland? Then, with regard to the relief of the poor, what sort of law was passed? The first enactment limited the relief, so that it could only be given inside the workhouses, where the poor could not be adequately provided for. Then the unions were so arranged in respect to size that they could not be made practically useful. The Commissioners of Inquiry had declared that if a poor-law were adopted it would be necessary at the same time to enact other measures for the employment of the poor; but their recommendations were disregarded. The next subject to which he would refer was the question of landlord and tenant. That question had been under discussion since 1835. A Commission in 1843, established under the authority of the Government of the right hon. Member for Tamworth, made reports which showed the necessity of a measure on the subject, and in 1845 a Bill in reference to it was brought in by Lord Stanley. In 1846 another Bill was brought in; and now the House had a Bill on the same subject before it, introduced by the present Secretary for Ireland. There was every reason to suppose that that Bill also would be abandoned; but its withdrawal would cause him little regret, because, from its provisions, it would be of no value, and give no satisfaction in Ireland. It had provisions of a vexatious character, and would practically upset the custom now existing in Ulster. In Derry a body of Orangemen had met on the 12th of July, and, neglecting their usual ceremonies on that anniversary, had made a declaration on the subject of tenant-right, denouncing the Bill before the House as one of gross robbery and injustice, inasmuch as it handed over to the landlords, without any compensation, the old existing tenant-right. A measure for reclamation of waste lands, recommended by the noble Lord at the head of the Government, had been delayed, and there appeared now no prospect of any measure of that sort. The people were allowed to be exterminated and to starve, while there were 5,000,000 acres of improvable land in Ireland; and all the authority of the State was given in aid of the landlords to produce that extermination. Such being the case, was it not the duty of the State to devise means by which some location should be provided for the poor, either upon waste but improvable lands in the lands in the country, or through the means of emigration? He, however, did not see why they should compel the people to emigrate to foreign countries so long as there were 5,000,000 acres of land which might be reclaimed by them in their own country. He had always been of opinion that the resources within the country ought first to be had recourse to, and when they were exhausted the means for facilitating emigration might be afforded. But to depend on emigration alone was a most cruel delusion, as no emigration to a foreign country could be carried on to such an extent as to produce the necessary relief. Another measure of great importance which had been under the consideration of the House was a Bill for enabling landlords under entail to execute improvements, and to charge the expense of those improvements on the inheritance. He deemed it most important that landlords under entail should be enabled, under proper regulations, to borrow money, or to expend their own money, for this purpose, with the certainty of being reimbursed for their own expenditure. The Bill to which he had referred relating to this subject was still upon the Orders; but as the Government did not approve of the machinery of the measure, he feared there was little chance of its being sanctioned by the House. Such a measure, in his opinion, ought to be introduced by the Government, and to be supported by their influence. Another important measure requisite for Ireland was some system of taxation which would affect absentee proprietors—some change in the poor-law taxation which would act in such a manner as to give resident proprietors the benefit of their exertions for the employment of the people, and to impose a share of the burden of taxation upon those proprietors who were absentees, and who took no pains to promote the welfare of their tenantry. He also considered that it was absolutely necessary that well-considered public works should be taken up by the State. In this country it was not necessary that the State should furnish means for carrying on great public works; there was private capital and enterprise enough for that purpose, but the case was different in Ireland. There were many important public works which, if they were not taken up under the authority of the State, would never be carried out in that country—he alluded particularly to the great lines of railway. He asked the House to consider what immense benefit the establishment of a line of railway communication between Dublin and some port on the western coast of Ireland must produce to that country; but such a work could not be undertaken or completed without Government aid. When he looked at the legislation of that House during the present Session, he thought that Irish Members had great reason to complain of the indifference of Parliament with regard to the interests of their country. He found in Her Majesty's Speech at the opening of the Session the following passage:—

> "Her Majesty views with the deepest anxiety and interest the present condition of Ireland, and She recommends to the consideration of Parliament measures which, with a due regard to the rights of property, may advance the social condition of the people, and tend to the permanent improvement of that part of the united kingdom."

The House replied by an address, promising to apply themselves to these subjects; but what had they done? They had passed a Coercion Act very speedily, for the protection of life and property in Ireland—the Government pledging themselves that they would submit some ameliorating measures to the House; and on this understanding the liberal party, with great unanimity, agreed to support the Government in that course. It was true that some measures relating to Ireland had since been introduced; but, with the exception of the Encumbered Estates Bill, they had not made any progress in the House. In consequence of the disturbed state of Ireland, however, a Bill for the better security of the Crown and Government had been introduced, and had received the sanction of the Legislature; the awful state of things now existing in that country had led to the proposal of a still more severe Coercion Bill, which had been passed with almost unprecedented rapidity; but, though such measures had been adopted by the Legislature, it was very improbable that any measures for ameliorating the condition of the Irish people would receive the sanction of Parliament during the present Session. The Encumbered Estates Bill was good in principle; but it would be of little present advantage to the people of Ireland, for it was impossible, under existing circumstances, that any large quantities of land in that country could now be brought into the market. The only measure that could be of any value would be a Landlord and Tenant Bill; but such a measure would be useless if loaded with vexatious restrictions. The principle of such a measure must be to enable the tenants, without trouble, to obtain a full recompense for any labour or capital they might bestow upon their holdings; and he believed that a measure of that nature would very materially tend to the tranquillisation and improvement of Ireland. He might state that, in the union in which he resided, and where this security existed by custom, during the most distressed period the amount of pauperism was only one per cent upon the population. About three months back a Bill had been introduced into that House for the relief of evicted tenants in Ireland. It appeared that numbers of poor people had been summarily turned out of their cottages, and were actually starving; and a Bill was brought in to require the authorities to provide food and lodging for such persons. But in what manner had that Bill been treated? It had been three months in suspense. The Amendments which had been introduced into it in the other House would almost render it nugatory; and the Bill was now delayed until the other House had considered the Commons' reasons for disagreeing to the Lords' Amendments. That Bill had been brought forward with the object of rescuing hundreds and thousands of persons from actual death by starvation, and yet it had remained for three months before Parliament, after it had been considered, without being passed into a law. If he wished to describe the condition of the poor persons for whose relief this measure was intended, he would use the language quoted by the noble Member for the city of London (Lord J. Russell) in 1846, in opposing the Protection of Life (Ireland) Bill:—

> . . . . "Famine is in thy cheeks,
> Need and oppression starveth in thine eyes,
> Upon thy back hangs ragged misery,
> The world is not thy friend nor the world's law;
> The world affords no law to make thee rich:
> Then be not poor, but break it."

He thought that Parliament should by some means endeavour to ameliorate the condition of these poor persons; and that, instead of sending forth decrees of slaughter and bloodshed, they should try to remove the inducements to insurrectionary movements, by showing a desire to promote the welfare of the Irish people. The noble Lord, on the occasion to which he had just referred, alluded to the danger that by supporting coercive measures, they might afford an argument to the repealers. The noble Lord used this language:—

> "The people might be told, 'You, miserable peasants, shut up from sunset to sunrise, obliged to keep within your miserable hovels, if you are found looking for a stray cow, or visiting an acquaintance who lives in a cottage a few yards from you, you are liable to transportation; but it is not for the security of the lives of the people among whom you live, but it is because English measures were passing through Parliament at the same time; and it is for the sake of those measures that these restrictions are inflicted upon you. Now, tell us, ay or no, is the Parliament of England and Scotland a fit Legislature for Ireland? Will you not seek for a domestic Legislature—will you not use your utmost efforts to obtain repeal?' Why, what answer would there be to such an appeal but a unanimous shout, a unanimous effort of the people, and a declaration, 'We have not justice, we are determined to obtain justice, and it is now proved to us it is not to be had of the Parliament of England.' I say, let the House beware of supplying such an argument as that. If you wish to maintain the Union—if you wish to improve the Union, to make the Union a source of happiness, a source of increased rights, a source of blessing to Ireland as well as to England, a source of increased strength to the united empire, beware lest you in any way weaken the link which connects the two countries. Do not set so far apart the governor and the governed. Do not let the people of Ireland believe that you have no sympathy with their afflictions—no care for their wrongs."

This language fully expressed the sentiments which he (Mr. Crawford) entertained; and he hoped the noble Lord would declare his determination to act upon these principles, and that he would not deprive the Irish people of all hope that measures for their relief would be brought forward. He would now state what measures he considered necessary to render Ireland tranquil and prosperous. The first and most important of those measures, with regard to public rights, would be the amendment of the Act of Union in such a manner as to give Ireland a just and fair proportion of representatives in the Legislature. The other measures he would suggest were a new Corporations Bill; a new Registration Bill; a Bill for altering the Appropriation of Church Revenues in Ireland; and a Grand Jury Bill. These were measures affecting public rights, which, in his opinion, were imperatively required. He would also recommend a Landlord and Tenant Bill; a Bill for enabling landlords under entail to charge the inheritance with the cost of improvement; a Bill for the reclamation of waste lands; a measure to impose a system of taxation upon absentee proprietors; the amendment of the poor-law in many respects; a plan to afford reasonable facilities for emigration; and also a measure providing that, under proper regulations, means should be furnished for conducting great public works. He believed that the only way to excite in the people of Ireland a feeling of self-reliance was to give them equal political rights with the people of this country. The Irish people had been clamorous for repeal; but latterly they had demanded separation. It was his most anxious wish to maintain the connexion between the two countries; but he believed that that connexion could be best preserved by the establishment of a properly constituted legislative body for Ireland. He considered, however, that when persons were preaching rebellion against the constituted authorities, it was not the proper time to raise such a question. It was now for England to consider what she would do with regard to Ireland. It appeared to him that there were only two courses which England could adopt—either to associate Ireland with herself by affection and by remedial measures, or to hold that country by military occupation. There was no medium course between these two. If they determined upon the military occupation of Ireland, one third of the British Army would be required for the purpose; and that military occupation could only apply to the towns—it could not extend to the country. He feared that there was great danger that the present insurrectionary movement might turn into a servile war; and he need scarcely remind the House of the difficulty of protecting life and property throughout the whole of Ireland. He asked them to consider the expense which that would entail upon the country. There would be no possibility of levying taxes; the landlords and the clergy would be starving, as well as the people, and would be dependent for support upon this country. England would thus gradually sink in her means and in her respectability, and would eventually be brought down to the level of Ireland. He thought, then, as one of the representatives of the people of England, that he was only doing his duty in bringing this subject before the House, and in warning them against the infatuated course they were pursuing. He considered that the late Act, in the present situation of Ireland, was an absolute declaration of war; Ireland must be reconquered, and if reconquered, held by the sword. There were many who desired to see an actual collision take place; they thought it would crush for ever any efforts of the Irish people again to resist English rule; but such persons were greatly mistaken. Unless there were an immediate announcement of remedial measures, the result which he anticipated must come. He wished to abstain from saying one word offensive to the Government; but why had they not pressed forward remedial measures? They would say they had not means, or the time; but they had the means and the time to press forward a Coercion Act. Why not say—"We propose such and such measures, and unless they are passed we surrender office?" Why should the noble Lord (Lord J. Russell) be responsible for a departure from his own principles, and for the governing of Ireland by coercion? If, indeed, he was obstructed by a majority in that House, and the House would not pass, or had not time to pass, the measures for the benefit of Ireland required by the Government, was not this an unanswerable argument for a repeal of the Union? The noble Lord had requested Irish Members to go home to Ireland and use their influence for the good of their country; he meant to do so, but he wanted to have a message of peace to carry with him; and if he had it not, he did not know how far his influence could be available. He wanted, before he left his place in Parliament, to hear something from the noble Lord that would enable him to say to the people of Ireland—"You have some hope of measures being adopted to improve your condition." If he could go home with that intelligence, he should go with a light heart; but in the circumstances in which he was at present placed, he should go home with sorrow and dread. No one could repudiate more strongly than himself the principles of those who were now agitating Ireland; but he did not wish to see the people in a condition in which they could be led into acts of plunder. He felt bound to say, that he thought, if the moral power of the country had been better directed, and if the exertions of Irish Members had been steadily applied here, an impression might have been made upon the House; he could not approve of the proceedings of the great majority of the Irish Members. He had often referred to the landlords of Ireland in stating the grievances of the tenantry; but he must say, that the position in which the landlords had been placed by the law was a great excuse for their conduct. When the land was confiscated, they were set over the people as tyrants over slaves, and taught habits of oppression by the law; and if they were acting tyrannically, the conduct of the Governments of England had been in great fault for it. Parliament ought to set about the correction of the evil by good and fair laws as between landlord and tenant, with a view to restore confidence and kind feeling. He would only add, that he trusted he had brought this great subject before the House without any aggravating language. It was not his wish to produce any excitement, and he considered that the question was one proper to be raised in the House. The hon. Member concluded by moving the Amendment he had read.

Lord J. RUSSELL: The hon. Member who has brought forward this Motion, has done it in language so temperate, that I prefer following him immediately to waiting till the course of debate may have introduced greater asperity and warmer contention upon the interesting subjects which he has brought before us. If I must say that I cannot agree in many of the opinions that he has stated, in some of those opinions I do agree; and I am ready, at all events, to state the view which I take of a great portion of the subjects to which he has called the attention of the House. In considering the conduct of this Imperial Parliament, as the hon. Member has brought it before the House, I think it is hardly just to say, that certain measures have been long delayed—that they have been brought before this House many years ago—that this House has not finally carried them into law—and to attribute that delay or that refusal entirely and solely to an unwillingness to debate Irish subjects, or to grant a remedy for Irish grievances. Whether it be a portion of our character and habit—whether it be owing to the complicated nature of our Government—whether it be owing to the habits of debate which prevail in Parliament and in the country—the fact is, that there is hardly any measure of great public importance, whether it relates to the united kingdom or to any portion of the empire, which is ever carried without a very considerable delay—without the vicissitudes of being rejected at one time, triumphant at another—postponed at one period, and only assented to after long discussion. There have been questions which related entirely to this country before the Union took place—questions which did not relate entirely to this country, but which were subjects of debate before—such questions as that of Parliamentary reform, which took upwards of fifty years in settling—such questions as that of the abolition of the slave trade, which took nearly thirty years in discussion; and various other cases in which it is obvious, that whether from the reasons I have mentioned or not, that which was, as I believe, a just and fair cause for legislation did not produce its effect in obtaining the measures that were asked till after a long period of time, and repeated defeats. I cannot consider, then, that when we are speaking of Irish measures, it should be said that the delay of those measures is entirely owing to an unwillingness to discuss Irish grievances, or to afford that remedy which may seem to some portion of the Irish representatives—it is generally only a portion—to be the most proper. The hon. Member, like others, has described the state in which he finds Ireland at the present moment; and I must, therefore, ask his attention, and that of the House, to the description which was given of the state of Ireland in a pamphlet published somewhere about 1796 or 1797, by an adversary certainly of the Government of that day. It is there stated—

> "If the condition of a people be the best criterion to judge of the excellence of their practical government, how shall the people of Ireland, worse housed, worse clad, and worse fed, than the subjects of the most inveterate despotism in Europe, divest themselves from thinking that they live under one of the worst practical governments in the world?"

That at least shows that in the opinion of the writer this condition of the people of Ireland, that they were ill-housed and ill-fed, is not the creation of the Imperial Parliament or of the Government since the Union; the inheritance which the Imperial Parliament derived from the Parliament of Ireland before the Union was a people in that unfortunate and miserable condition. But it may be said that there is one grievance at least which is caused entirely by the existence of an Imperial Parliament, a grievance which the hon. Member touched upon—that of absenteeism. But this writer goes on to say—

> "Does the produce of the lands of Ireland go to supply the fund for the employment of its people? No. Your corn, your cattle, your butter, your leather, your yarn, all your superfluous produce, and much more than would be superfluous if the people of Ireland were furnished with the common necessaries of life, are all exported without a return to pay the rents of Irish landlords, who do not think the country worthy of their residence, every particle of which is as utterly lost to the fund for the employment of the people of Ireland as if it had been thrown into the sea."

So far, then, it appears that these grievances are not grievances of our creation, that they are of long endurance, that they are rooted in the state of society in Ireland; and all that the hon. Member or any one else can say of the present generation is, that they should do as much as they can, patiently and gradually—because it must be patiently and gradually that a remedy can be applied. And let me say, whatever blame may be imputed to the Governments or the Parliaments of former times, or of this period, that after the condition of a people has become such as it has been represented to be before the Union, the habits, the wishes, the inclinations of the people themselves, tend to maintain and to foster that wretched state of society which I have described. For instance, I consider it as one of the great misfortunes of Ireland, that the population has gone on increasing without a proportionate increase in the means of subsistence and of comfort; that with a state of morals highly commendable, but with a social condition much to be deplored, the early marriages of the peasants of that country, being satisfied with a miserable hovel and a plot of potatoes which furnish a precarious subsistence for a year, without looking to an increase of comforts, without waiting for marriage till there was a sufficiency accumulated for the sure and comfortable subsistence of a married couple—that that state of society has been of itself a misfortune, with which it was very difficult, if not impossible, for any Legislature to deal. I am not saying whether originally the degradation of the Roman Catholics of Ireland as a race, whether the cruel and unjust penal laws, whether the laws which prevented the people from turning their attention to trades and manufactures, whether the religious bigotry of the 17th century and the commercial jealousy of the 18th, may not have originated much of the evils to which I am referring; I am not here vindicating the proceedings of those days, any more than I would stand up for some of the acts of the Norman conquerors, who I believe were as tyrannical and cruel in this country as they were in Ireland; all that I am contending for is, that such having been the case, that such being the difficulty which we inherit, such being the society that we are to govern, it is not the work of a day, or of a month, or of one, or of two, or of three years, to change that state of society—to induce the people to look for a better condition—to put all classes in Ireland into that state of harmony with one another that the progress of society towards civilisation, towards wealth and prosperity, shall be rapid and uninterrupted. Now, with these general observations I enter upon some of the topics on which the hon. Member has touched. I have said that upon some of them I agree with him. He complained that admission to political and civil privileges had been refused to the Roman Catholics of Ireland, from the Union to the year 1829. I myself consider that refusal to have been unjust. I can see nothing in the creed of the Roman Catholics which was to debar them from all the political and civil privileges of other inhabitants of these islands. From the time I had a seat in this House I constantly voted for the removal of Roman Catholic disabilities; and I own I consider it to have been a great misfortune—a misfortune of which we feel the effects to this day—that instead of passing that measure as a part of the Union, or accompanying the Union, it was delayed till 1829. I remember hearing Mr. Canning relate in this House a conversation which he had with Mr. Pitt. He described Mr. Pitt as receiving a despatch of Lord Cornwallis with respect to carrying the measure of the Union. Lord Cornwallis reported—

> "I think I shall carry for you the measure of the Union with England; but the measure of Roman Catholic emancipation, the participation of the Roman Catholics in all the privileges of the Protestants of Ireland, I shall not be able to carry."

Mr. Canning stated—

> "Then, if I were you, I would refuse both: I would not have the one without the other."

Mr. Canning said, that Mr. Pitt with great reason rebuked the indiscretion and intemperance of the young man to whom he was speaking; but I own that, in reflecting upon what then passed, I very much doubt whether the youthful judgment of Mr. Canning was not wiser than the mature decision of Mr. Pitt. However, that grievance of the difference of privileges, the difference that was made in political privileges between the Roman Catholics and Protestants, was abolished by Act of Parliament in 1829; whatever may have passed for some years, I think it cannot be denied that now it is wholly abolished; I think no one can deny that in Ireland a Roman Catholic who has fair claim to any professional or political distinction or honour has as much access to it as any Protestant can have. There was another subject to which the hon. Member alluded, and on which I think he hardly did justice to what has been done by the Imperial Parliament. One of the greatest evils the people suffered before the Union was the state of the law as to tithes. Not only was every cottager obliged to pay tithes, but the uncertainty of those tithes, the levying tithes in kind upon all the vegetables of the poor man's plot, the state of the ecclesiastical courts which had to decide upon these questions, the fines and fees that poor men dragged into these courts were obliged to pay—all this constituted a grievance of the most acute and harassing nature. In the first place, the Parliament of the united kingdom sanctioned a plan, proposed, I believe, by the right hon. Gentleman the Member for the University of Cambridge, for the voluntary commutation of tithes. Some years afterwards, 1834, Lord Wellesley recommended a permanent and compulsory commutation of tithes into a rent-charge, and that proposal was carried into effect in 1838, when a deduction of 25 per cent was made upon the whole amount of tithes, leaving, therefore, a charge of 75 per cent to be paid by the landlord. Thus, the tenant was relieved from the payment of the tithes, and by that means an end was put to those angry collisions which had previously been the source, not only of animosity, but almost of a servile war in many parts of Ireland. By that arrangement, the grievance connected with tithes, as far as related to the mode of payment, was put an end to. I am aware that many persons contend that it is a grievance for persons in Ireland to be compelled to pay for the support of the clergy of the minority; but permit me to observe that it is a totally distinct question from the grievance complained of, in the mode of collecting tithe, which it was the object of the Commutation Act to remove. The hon. Member says that the Irish Reform Act is imperfect. It may be so; but, at the same time, I think that the hon. Gentleman should recollect, that it gave the people great power which they had not theretofore possessed—that many close and nomination boroughs, such as Tralee, which, I believe, used to be handed down, by will, from father to son, and the nomination for which was constantly an object of sale—were, by the Reform Act, thrown open, and that thenceforward the people residing in those places really exercised the rights of electors. As to the number of Members for Ireland, that was not properly a question to be settled by the Reform Act, because it had been previously determined by the Act of Union; but, nevertheless, there was an addition of five to the number of Members for Ireland made by the Reform Act. The hon. Member next complained of the state of the law with respect to petty juries in Ireland; but I believe that the law as to juries is the same in Ireland as it is in England. If there be any difference to the prejudice of Ireland, it ought of course, to be corrected; but I believe there is no essential difference between the law in the two countries as regards juries. The hon. Member also referred to the franchise, and the question of the registration of voters. With respect to the franchise, the hon. Gentleman cannot fail to recollect—indeed, he himself alluded to the circumstance — that, in 1840-1, a noble Friend of mine proposed a measure for the extension of the franchise. When I came into office, in 1846, one of the first questions to which I directed the attention of my lamented Friend, Lord Besborough, was the state of the franchise in Ireland; and he prepared the outline of a measure on that subject in the autumn of 1846, and that measure was ready to be introduced at the commencement of the very next Session. I may be asked why that measure was not introduced? Why has it been delayed? I have already answered that question. I say that the great calamity which befell Ireland in the total failure of the chief article of the subsistence of the people of that country made it imperatively necessary that the Government should direct its attention to the means of mitigating that awful and overwhelming visitation. Under these circumstances it was impossible for us to attend to the question of the extension of the franchise. This Session, however, we introduced a Bill respecting the franchise, which, in its nature, is similar to that framed by Lord Besborough, which it has been found necessary to postpone to next Session. The hon. Gentleman complains of this postponement; but no practical evil can result from it, except in the case of one or two isolated elections which may possibly take place between the present time and next Session, unless, indeed, a general election should occur in the interval—an event which is by no means probable. The hon. Member does not find fault with the measure; and, I believe, it is generally admitted that it will considerably extend the franchise in Ireland, and thereby obviate the complaints now made that the number of Irish electors is too limited. Let me observe, however, that, although the people of Ireland may have a fair right to complain of the limited extent to which the franchise is diffused among them, this and other grievances which are frequently referred to are not such as to prevent the progress of the Irish people, provided they would exert themselves manfully to attain that station and condition in society, by industry and attention to their own immediate pursuits, which the freedom of our constitution allows them to reach. Look to the case of Scotland. Previous to the Reform Act of 1833, the people of Scotland had altogether no more than 3,000 electors amongst them; yet, by their spirit and industry, by availing themselves of the genius of our free constitution, and by rightly using those personal liberties which the constitution accords to all who live under it, whether in England, Scotland, or Ireland, the Scotch, in the 80 years which intervened between the rebellion of 1745 and the passing of the Reform Act in 1833, made a more remarkable progress than, I believe, was ever achieved by any other people on the face of the globe. Therefore, while I admit that, with respect to the franchise, and other subjects, the people of Ireland may have just grounds of complaint, I nevertheless totally deny that their grievances are any sufficient reason why they should not make very great progress in wealth and prosperity, if, using the intelligence which they possess in a remarkable degree, they would fix their minds on the advantages which they might enjoy, rather than upon the evils which they suppose themselves to suffer under. The hon. Member referred to another subject in which he takes great interest; and, although I always listen to his opinions upon that point with attention, I must confess I am unable to arrive at the conclusion to which the hon. Gentleman comes—I allude to the question of the relation between landlord and tenant in Ireland. The hon. Member read some extracts from the report of a meeting which took place in the north of Ireland, and referred to the resolutions agreed to at the meeting; but it seems to me that the persons who prepared those resolutions, and who adopt the opinions of the hon. Member on the question of landlord and tenant, and carry them even further than he does, confound two matters which are totally and essentially distinct. What is called tenant-right in Ireland is a usage prevailing in different parts of the country by which an incoming tenant gives to the outgoing one a sum of money, differing in amount in various districts from ten to twelve years' value of the rent to two years' value. Whether the custom be good or bad, it is obvious that the incoming tenant has a claim on the landlord equivalent to the sum, whatever it may be, which he has paid to the outgoing one. It would be a fraud on the tenant if the landlord, having tacitly consented to the custom, should attempt to infringe on it. I should very much regret to see Parliament give its sanction to any Bill having for its object to authorise a breach of faith between landlord and tenant in districts where the custom to which I have adverted exists; but when I have heard the hon. Member argue the question, he has always spoken as if the usage in question ought at once to be transferred from the districts in which it prevails to others in which it has never existed; and the tenant-right advocated by the hon. Member, would, according to the resolutions passed at the meeting to which he referred, amount to this—that the tenant in possession has a right to the occupation of the land, provided he pay his rent punctually. Can anything be more completely subversive of the rights of property than that? Here is a man to whom land has descended, and who lets a part of it, say 100 acres, of a very improvable character, at a low rent, perhaps 7*s.* or 10*s.* an acre, in consideration of the improvement which he has a right to expect that the tenant will make on it. Let us suppose that the tenant, instead of improving the land and making it worth 2*l.* an acre, utterly neglects it, reduces it to a state in which in a few years it would be worth nothing to let to another tenant; its cultivation is bad and foul, and it produces hardly anything but weeds, a few potatoes, and some bad oats. What would be thought if the Legislature should pass an Act which would declare that in such a case as I have put, the right to the occupation of the land should no longer belong to the landlord, but should at once be transferred to the tenant? It is impossible for the Legislature, with any regard for justice, to pass such a law; and if such a law were passed for Ireland, it would strike at the root of property in the whole united kingdom. The Government has introduced a measure for the improvement of the land, and for regulating the relation between landlords and tenants in Ireland. It seems to be generally agreed that that measure, interfering compulsorily between landlord and tenant, is necessary for Ireland; and I have yielded my own conviction to what appears to be the universal opinion. We purpose interfering so far as to render it necessary for the landlord to submit to certain conditions with respect to the treatment of the land, to which he may not have originally agreed, for the purpose of promoting improvement. I think we have gone as far as we can with respect to that subject. Although the Bill has passed through a Committee consisting mainly of Irish Members, and been approved of, there will not be time to pass it during the present Session, and therefore it will be postponed. I hope the measure will be well considered in Ireland during the recess, and if any emendations can be suggested, the Government will be ready to adopt them, it being our wish to do all in our power to improve the land in Ireland, only taking care not to violate the great principles on which property rests; but, after all, that which we should look to for improving the relations between landlord and tenant, is a better mutual understanding between those who occupy those relative positions. Voluntary agreements between landlords and tenants, carried out for the benefit of both, are, after all, a better means of improving the land of Ireland than any legislative measure which can be passed. The hon. Member referred to the poor-law; but I do not think that any blame can fairly be cast upon Government for not having sooner introduced poor-laws into Ireland. I believe that the poor-law has been the means of preserving life in Ireland by affording relief to the poor who are absolutely destitute; but at the same time, being aware of the abuses inseparable from a poor-law, and of its effect in deadening industry, I was naturally reluctant to introduce that system into Ireland rashly and on too extensive a scale. After all, I believe that the poor-law will tend to the civilisation of Ireland, by putting an end to those habits of mendicity, akin to robbery, which prevail in countries that have no poor-laws. The hon. Member expressed a wish that the land of Ireland should be divided into small farms similar to those which are found in the county of Down, which he thought would render it unnecessary to have recourse to emigration. In alluding to this question last year, I showed, by reference to statistical documents, that in some of the most populous and, at the same time, most flourishing countries of Europe, the practice prevailed of dividing the land into small farms. [An Hon. MEMBER: What do you mean by small farms?] An hon. Member asks very naturally what I mean by small farms? I am aware that what we call a small farm in England would be thought a large one in Ireland; but I was alluding to such a division of land as exists in Tuscany, where the farms do not exceed six or seven acres in extent. In order to establish such a system in Ireland, great changes must take place—changes not effected by law, but dependent on the conduct of the landlords, on the ability of persons of small capital to purchase portions of land, and on various other circumstances of that nature. It does not accord with my notion of a small farm, that the holding should be a plot of ground too large for a garden, but not large enough for a farm. I believe that such holdings are productive of much evil in the west of Ireland. I think that the Encumbered Estates Bill, which will be passed this Session, will lead to the division of land into smaller farms than at present exist. And while the large farms of Northumberland and other counties of England are the best system, according to the habits of the inhabitants of those counties, in Ireland you must leave those things to take their own course, and to be settled according to the habits of the people in the different parts of Ireland. The hon. Gentleman alluded to a Bill which was brought in on a subject similar to the one I have just spoken of, on the question of the evicted tenantry. Now, while I cannot allow that any person by the mere occupation of land, at the will and pleasure of the landlord, or perhaps against his will and pleasure, has thereby gained a right to occupy in all succeeding time, yet I do think the driving out a great number of the small occupants—the driving them out by some summary process, perhaps in a winter's evening, and leaving them without the means of shelter and food —I say I do think that such a practice, although there may be everything that is said as to the legal conduct of the landlord, and although there may be something to be said as regards his moral conduct, so far as the conduct of the tenant has been faulty towards him—shows a cruelty and want of good feeling with which it is incumbent and necessary for the law to deal. I was, therefore, party to bringing in a Bill introduced by my right hon. Friend the Secretary for the Home Department, by which it was provided, that where a landlord was left in the full possession of his right at law to eject a tenant, while the law gave him that power, yet that care should be taken that by due notice to the guardians of the poor shelter and food should be provided for those miserable outcasts, some of whom, perhaps, might be afflicted with fever and other diseases, and some of the women, perhaps, just after childbirth, not able to bear the inclemency of the weather, and to be absolutely in need of such food and shelter, in order to their preservation. I do not think that we are liable to be charged by the hon. Gentleman with having been in this House tardy in carrying that Bill through; the Bill was introduced and read a first time on the 22nd of April—that was immediately before the Easter holidays; it was read a second time after the recess on the 2nd of May; and a third time and passed on the 8th of May. I think, therefore, that, considering the holidays, there was no want of despatch as to that Bill. I very much lament to say, that the view I had taken of that Bill, and the sanction that was given to it by this House, was not adopted by the House of Lords. When the Bill came back to this House, I own it appeared to me that the Bill did not only not make the law at all better than it now is, but, in some respects, made it worse. We could not, therefore, agree to those Amendments. The Bill is going back to the House of Lords; and I trust that they will take the same view which this House took on the subject, and that there may be a remedy which the law will afford in such afflicting cases. Then, the hon. Gentleman proceeded with his remedies in the present state of Ireland. I will not at the present moment say, whether or not it would be possible now to go into the consideration of all the various remedies; but I will state what it is the hon. Gentleman thinks necessary to put Ireland in a better social and political condition. The hon. Gentleman thinks it necessary to have additional Members in this House for Ireland. I do not deny that there may come a time when it may be advisable that additional Members should be allowed to Ireland, in the place of some of those boroughs which this House thinks it right to disfranchise; but I say that I do not think that this is at the present time necessary. I do not find there has been that attendance of Irish Members to induce me to think, from their legislative talents and industry, that it would be advisable to add to the Members for Ireland. The hon. Gentleman thinks there should be measures for altering the system of registration, including the franchise. I have stated that we have already introduced a Bill on the subject, and that it will be no loss of time if that Bill is not proceeded with till the next Session. The hon. Gentleman wishes to have some additional measure with regard to corporations. For several years I contended in this House that it was but right to place corporations in Ireland on the same footing as corporations in England. I think there is a great deal to be said on the other side of the question. It was predicted that those reformed corporations, instead of attending to municipal and local affairs of their own cities and boroughs, would become violent political bodies; that in some cases they would rather add to and aid any disaffection that prevailed in the country, than lessen or control it by their municipal and magisterial power. There was great weight in that objection. But at the same time I was, and I am still of opinion, that municipal institutions—that corporations elected by the people—are of great benefit to the people; they are so in England and Scotland; and it would produce a just and well-founded discontent if we were to refuse to Ireland that which was considered in England and Scotland an advantage. I, therefore, should have no objection, generally speaking, to the extension of the franchise in those corporations, in the same manner as it is extended in England. There are, however, some powers which corporations have in England, which I think are of doubtful advantage, and which ought not to be introduced into any new Bill as to Ireland. The hon. Gentleman alluded to the grand jury law; with respect to that law, that again was a subject that occupied the attention of Lord Besborough, and has also occupied the attention of Lord Clarendon; but such has been the business of this House that we have not been able, with any chance of carrying it, to introduce a Bill upon that subject. I quite agree that it is a subject of the greatest importance. I cannot conceive anything more useful to Ireland than to have good local bodies in her counties who would promote the making of roads and other improvements by a careful, just, and honest expenditure of the rates levied in those counties. I think large powers ought to be granted to the counties in that respect. The hon. Gentleman has alluded to his Landlord and Tenant Bill, of which I have spoken. He alluded, likewise, to the Waste Lands Bill. Now, Sir, I introduced a Waste Lands Bill into this House, which gave great compulsory powers. We afterwards abandoned that Bill; but we added 500,000*l.* to the sum given for the improvement of land by landlords, and for the reclamation of waste lands. I think that such a measure was, at all events, rightly introduced before the introduction of any compulsory measure. Such a compulsory measure met with very great difficulties, and there were other objections of an economical nature as to any expenditure of the Government for the purpose of reclaiming and beginning the cultivation of the waste lands. The hon. Gentleman has alluded to the assistance that was given to railways. A very considerable measure was introduced by my noble Friend the First Commissioner of the Woods and Forests when he was Secretary for Ireland; but it certainly did not meet with any great encouragement in this House. We did last year propose a vote of considerable amount as a loan to one of the railway companies in Ireland, which was approved of by this House, but we met with considerable opposition. But, to introduce any measure of that kind, we ought to have a more flourishing state of the finances than we can boast of at this moment. I do not think that we ought to advise any large expenditure of that kind unless there was a surplus balance in the Exchequer. With regard to measures for Ireland generally, I shall say that they divide themselves into three classes—social, political, and religious. With regard to measures bearing on the social character of the people, we have introduced and carried into effect an amended poor-law by which a vast number of persons have been fed during the present year. We have likewise introduced a measure for the sale of encumbered estates, which, although it will not have any immediate operation, as the hon. Gentleman said, will, I believe, in time, be found of great social advantage. I can conceive nothing worse for Ireland than an estate encumbered in such a manner that there is no person to perform the duties of a landlord, where there is only a nominal landlord, receiving so small a sum from the rental that it is impossible he can give anything to the improvement of the land, and where there are others having an interest in the land so temporary or doubtful that they do not feel themselves bound by any obligations of a real or permanent character. I trust that that great evil will meet with some correction from the Bill we have introduced. With respect to political measures, there is the question of the franchise, upon which we have introduced a measure, and which seems to meet the wishes of many of those who ask for an extended franchise. The other question is one of the utmost difficulty—that which relates to religion and the ecclesiastical establishment in Ireland, upon which I have myself taken a very prominent part on former occasions—I allude to the position of the Established Church in Ireland, which is a Church to which only a minority of the people belongs; but which has always had the revenues that are recognised and acknowledged by the State. This state of things is far from satisfactory. No one can deny that the appropriation of the whole of the revenues which the State allows and recognises as the revenues of the Established Church of a small portion of the people, is in itself an anomaly and a grievance. But if I consider, from acknowledging that grievance, what can be the remedy adopted, I own I find the difficulty almost insuperable. The measure that I proposed was, that a portion of the revenues of the Established Church should be devoted to the education of the people of every class and creed; but with respect to that measure, which, if it had been adopted at that time, would, I think, have given great satisfaction, yet, when it was refused, and refused more than once, the circumstances became entirely altered. The Protestants felt it a great grievance to have any part of their Church revenues separated from the purposes of that Church; and they considered that the separation of a part would lead to the abolition of the whole Establishment. Those who, on the other hand, considered the Church Establishment as a grievance, not seeing this measure carried into effect at once, carried their views much further, and would not be satisfied with less than the abolition of the entire Protestant Establishment. In such a condition it was useless to attempt to advance that measure. It would have been almost impossible to have carried it; but, if carried, it would not have produced the effect originally intended. Well, then, Sir, should we adopt the measure proposed the other day by the hon. Member for Manchester—the abolition of the Protestant Church Establishment? For my own part, I believe that the Protestants of Ireland, living in a country where a Church Establishment is acknowledged, have a fair claim to have a Church Establishment of their own; that they have a fair claim that that Establishment shall be acknowledged by the State; and I do not know that, diminished as the tithes have been, diminished as the property of the Church has been, by the abolition of church rates, taking the Protestants of Ireland at somewhere about a million — [An Hon. MEMBER: 750,000] — there is any great excess in the amount allowed to that Protestant Church. Then are there not other reasons why you should not proceed to the abolition of that Church? I can well understand that men who are for what is called the voluntary principle—who think the Church Establishment of England an abuse—who think the Church of Scotland an abuse—and that the American principle is the true principle to be adopted—I can, I say, well understand that they should demand the instant abolition of the Church of Ireland; but for myself I have other views. For reasons I have frequently expressed in this House, I think that such an Establishment is a wise institution for the country. I believe that where it is properly devoted to the purposes for which it was intended, a Church Establishment is a blessing to the people amongst whom it is established. Nor, Sir, can I see that there would be any advantage in doing with the rest of the tithes that which we have done with 25 per cent of them. Well, then, there arise other questions. There arises the question whether, having a Church Establishment for Protestants, whether exactly of its present amount or in any degree different from its present amount, you should have in its place any other establishment of the faith of the great majority of the people. Every one is aware of the difficulties that beset that question. Every one is aware, not merely of the difficulties that exist in the strong feelings of the greater part of the people of England and Scotland—which, however, would be, in my opinion, no bar to the endowment of the Roman Catholic Church if it were thought advisable for Ireland—but every one must acknowledge that there are practical difficulties in the way, and that those practical difficulties ought not to be encountered without being satisfied that the people of Ireland, generally, ask for this endowment, and that it would be willingly and readily acceded to by Parliament. What have we heard to-night? We have seen the most eminent Roman Catholic clergy denounce every attempt to endow their Church as an attempt to bribe the clergy away from the cause of the people; and I feel quite sure of one thing, that if I declared myself in favour of such a proceeding, I should hear, not that it was an endeavour to do justice to the people of Ireland, by giving an establishment to the majority as well as the minority, but that it was an endeavour to seduce the clergy of Ireland from their flocks, and to bribe them to the service of the State. Here, then, are the difficulties of that question, partly ecclesiastical and partly religious. It forms a difficulty in the state of Ireland, with which unhappily Mr. Pitt did not attempt to cope when he framed his plan for the purpose of the Union. It is a difficulty with which, I believe, some Government or other, some Parliament or other of this country, must cope; but I would deprecate any attempt to encounter this difficulty unless circumstances are favourable to the success of the measure that was advisable to be proposed. I think that the excitement of great religious animosities, the giving occasion to attack the religion of a great part of the people of these islands, the giving occasion to excite one man against another on the ground of the difference of his religious creed—would be a very serious fault, if not a crime, on the part of any Government, unless they were to see that though that temporary evil might be caused, some great ultimate benefit would be derived from it. I, therefore, leave this subject—not denying its importance—not denying that, as the question stands, it is a grievance, but at the same time pointing out its immense difficulty, and declaring that the question ought not to be encountered unless there is a prospect of the solution of that difficult problem. The hon. Gentleman who has made this Motion asks us to go into the consideration of these various questions. In the latter part of the resolution he asks you for the speedy enactment of such measures as may be necessary to improve the condition, redress the grievances, and establish the just rights, of the Irish people. The hon. Gentleman, who spoke, I must say, with great candour and fairness, is much mistaken if he thinks it is from any wish of ours that the measures he thinks calculated to redress grievances have been delayed. Nothing could redound more to the ease or credit of the Government than being able to bring their measures, one after the other, under the consideration of Parliament, to have such as are approved of speedily passed, and to have those that are not approved of either corrected or rejected, for another and better consideration. It is not surely the Government, therefore, who are to be accused of having caused the delay of the various measures which hon. Gentlemen have thought necessary, or which the Government may have thought necessary, for the good of Ireland. No one can have attended to the debates during the present Session without feeling how great are the difficulties in the way of carrying a series of measures into effect. There was an object of great importance to the navigation, the manufactures, and the commerce of the whole united kingdom, which we were anxious to effect—I allude to the change in the navigation laws; but, owing to the protracted debates in this House, the measure relating to that subject cannot be carried during the present Session. Nor can I promise that I shall have any influence, by making an alteration in the rules of the House, even if such an alteration were practicable, to change the habit of long and protracted debates. The habit of bringing on various discussions on a multiplicity of subjects, and of interweaving the subjects of those discussions one with another, is, I am afraid, one which has become too inveterate for me to entertain the hope of possessing sufficient influence to change it. So long, therefore, as this habit lasts, Ireland must take its share with the rest of the united kingdom in the delay that may happen by the postponement of measures which are of very great importance. It is not, I feel confident, any indisposition on the part of the Government, or any indisposition on the part of the majority of this House, to consider such measures as may tend to benefit Ireland, that gives rise to that delay. I feel convinced that if the House were persuaded that the representatives of Ireland really demanded the enactment of certain measures, and that those measures would tend to the benefit of Ireland, they would be as readily considered and adopted as any measures which could be proposed for the benefit of any other portion of the empire. But, whatever those measures may be, or the delays may be, let me conclude as I began, by stating, that the grievances of Ireland are not grievances of a recent date—that they are not caused by enactments within the last few years, or by the neglect of enactments during the last few years—but that, although their principal character may be social, yet they are also political and religious grievances of long standing, and which cannot be easily or speedily redressed. I trust that that want of speedy and easy redress will not be imputed as a fault to the present Parliament of the united kingdom, any more than it would be to any special Parliament of Ireland. I believe we, as an Imperial Parliament, have some advantages over a Parliament sitting in Ireland for remedying the grievances which exist in that country, because we must always recollect that in Ireland there is not one really indisputable path which, in the opinion of an undisputed majority, would lead that country to prosperity and happiness. On the contrary, such is the division of opinion in Ireland, that I do think it useful, very often, in order to soothe the asperities that exist, to introduce the opinions of persons who are less mingled with party, and with the political and religious animosities of that country. All that I can ask of the House is, not to assent to the impossible task laid before us by the hon. Gentleman; but to proceed calmly and gradually to the removal of any grievances that may affect the people of Ireland; and, above all, to be persuaded that it is by peaceable methods, and by discussion in Parliament, that a redress of those grievances is to be obtained; that a resort to arms and to rebellion can but lead to an aggravation of the misfortunes that already afflict that country; that the resources of Ireland, great as they are, would speedily be sacrificed and dissipated in civil warfare; and, finally, that we should alone look to the maintenance of the authority of the law to enable the industrious and the peaceable in Ireland, under the free institutions of this empire, to advance in happiness and prosperity.

Mr. H. HERBERT thought the peculiar evil of the legislation of this country for Ireland was, not that the measures were unsuitable, but that they were not concomitant with one another. The poor-law, for instance, was an admirable measure; but any one might have seen that it would be a failure unless it were accompanied by other measures for the cultivation of the waste lands, or for otherwise employing the poor. Then, again, the Encumbered Estates Bill was a capital measure; and he only regretted that it was not passed at the time the Poor Law Bill was enacted. It would have admirably assisted the operation of the latter measure. But he discountenanced the idea which the Irish seemed to entertain that everything was to be done by legislation. Would legislation make a tyrant landlord just? Would legislation make an idle tenant industrious and honest? It had been said of Mr. O'Connell that he found his countrymen slaves, and that he left them free men. This he did not mean to dispute; but still he believed that the spirit of agitation which prevailed in Ireland had done more to retard the prosperity of the country than any legislation of that House. ["No, no!"] Hon. Gentlemen cried out "No, no;" but at all events, in expressing his opinion, he hoped he had done so with due respect to the memory of the illustrious man he had mentioned. It was much required in Ireland that the leaders of the people would have the moral courage to speak the truth. If the people were to obey the instructions of the Catholic clergy, as contained in the letter of the Roman Catholic clergy of Tralee, published some time ago, and which enjoined them to shake off the torpor of their character, and turn their attention to the development of the soil, their condition would be far better. He was much gratified that the Irish clergy were giving similar advice to their flocks, and in so doing they were entitled to the thanks of the country; for, taking them as a body, when he remembered the privations they had suffered, and the position in which they were placed, his surprise was not that a few were disaffected, but that there was one loyal subject among them.

Mr. FAGAN feared that the speech of Her Majesty's Chief Minister would not be considered a message of peace in Ireland. Though the noble Lord had adverted to many of the grievances which pressed on that country, he did not hold out the slightest hope of redress. The noble Lord said, indeed, that he looked to the calm and gradual course of amelioration; but in the mean time what was to become of the starving and miserable people of Ireland? Were they to lie down and die? Or could it be expected that content would prevail, whilst the old religious ascendancy was still maintained, for the Roman Catholic Emancipation Act had not yet been fairly carried out. With regard to the tithe system, although it had been abolished in part, whilst a vestige of it remained, it could never be looked upon in any other light than as a degradation by the great majority of the population. He admitted that Ireland had gained by the abolition of the nomination borough system, but she had lost greatly by the abolition of the 40*s.* freeholders. With reference to the improvement of the social condition of Ireland, the first great requisite was agricultural improvement; and he was confirmed in this by the evidence of Lord Devon given before the Select Committee on the Farmers' Estate Bill, to the effect that the efforts of the Legislature ought to be directed to the creation of a class of small landed proprietors. Colonisation and emigration, he believed, would be wholly inoperative to relieve the country of the weight of destitution under which it was suffering. With respect to the tenant-right in Ulster, to which the noble Lord had cursorily alluded, he was rejoiced to find that the noble Lord was not disposed to view that institution otherwise than favourably. Unlike many other Irish Members, he entirely approved of the poor-law which had been passed for Ireland last Session, recognising the principle that in some cases, and under certain circumstances, it was right and proper that outdoor relief should be administered to the destitute; but notwithstanding that on principle he was friendly to the enactment, he did not hesitate to predict that it would not work well, or allay the discontent which at present prevailed amongst the ratepayers, unless some important alterations were introduced with respect to the mode of rating, and the apportionment of the electoral divisions. He entirely concurred with the noble Lord in thinking that it was a matter of very considerable importance that railways should be constructed in Ireland; and he could not refrain from expressing how unaffectedly sorry he was that the proposition of the noble Lord the Member for Lynn (Lord George Bentinck) had not been assented to by that House last Session. It would not have cost England one shilling, while it would have infallibly conferred great and lasting benefit on the people of Ireland. The observations which the noble Lord (Lord J. Russell) had offered with respect to the Church Establishment in Ireland, were not as worthy of commendation as some other passages of the noble Lord's speech. He feared that, on the noble Lord's remarks, with reference to this subject, no other interpretation could be placed than this, that the noble Lord was still in favour of the maintenance of that Establishment. The Church Establishment of Ireland would be ever regarded by the Catholics of that country as a badge of bondage; and he did not hesitate to say that nothing could be more unwise—nothing more impolitic or unstatesman-like—than the determination to continue such an institution. He thought it right, however, to add, that he did not wish to see the ecclesiastical revenues in Ireland appropriated to Catholic purposes, and he was most decidedly hostile to any State provision for the Catholic clergy. He had but very imperfectly touched on a few of the topics dwelt upon by the noble Lord; but he should not be justified in trespassing any longer on the attention of the House.

MR. MONSELL, feeling strongly with regard to the present miserable condition of Ireland, could not hesitate to give his vote in favour of the hon. Gentleman's proposition. In opposition to the opinions of his hon. Friend the Member for Cork (Mr. Fagan), he must say, that there was not one single Member in that House, of any party, be he English, Scotch, or Irish, however different from others might be the views that he took as to the means of remedying the evils of Ireland, who did not sincerely and heartily desire to remedy those evils, and was not prepared to exercise his utmost energies in the removal of them. He would ask the House to consider, for one moment, what was the present condition of Ireland. It was not necessary for him to go into any lengthened proof on that subject—it would answer his purpose to recall to the attention of the House the remarkable letter read by the right hon. Gentleman the Chancellor of the Exchequer a few nights ago, in which was described the condition of every class of the Irish people—landlords of the west of Ireland being described to be in debtors' prisons—fields deserted—and the people out of employment. When the House recollected all these things, it would be mere surplusage in him to endeavour to amplify that description, or to adduce any arguments to prove that the social condition of Ireland was most desperate. But, in giving his vote in favour of the proposition of the hon. Gentleman the Member for Rochdale, he was, of course, obliged to show that these evils were such as, he did not say might be remedied, but might, at all events, be mitigated by legislation. [The hon. Member, on this subject, quoted a long passage from the speech of Lord Howick (now Earl Grey), in 1843, who then declared that the evils of Ireland might be remedied by legislation.] Every one (he continued) who considered the subject must confess that the present social condition of Ireland was attributable to the relation which existed in that country between capital and labour. Until they increased the capital of Ireland, or diminished the numbers of those who required employment, it was idle for that House to imagine that any thing else that they could do for Ireland would deliver her from the miserable condition in which she was placed. Now, there was a very remarkable fact, which, he thought, showed very clearly what the state of Ireland was with reference to the employment of capital. He held in his hand returns moved for by the present Solicitor General, of the amount of stocks and annuities transferred from Ireland to England for several years. On the 5th of January, 1848, the amount of annuities transferred from Ireland to England was 1,384,482*l*. So that by reason of the insecure state of Ireland, even the capital which was in it flew from it. It sought investment anywhere else rather than in Ireland. The owners of capital there preferred a low rate of interest and security in England, to a high rate of interest in Ireland, with the insecurity that attached to property there. Now, how was that evil to be remedied? In the first place, he agreed with his hon. Friend the Member for Kerry, that nothing could be more idle than the imagination that legislation alone could give prosperity to Ireland; but he did, at the same time, maintain that without legislation, without giving some hope to the industrious man—without giving some expectation that self-reliance would accomplish its end—it was idle for that House to imagine that self-reliance would be produced. And, therefore, although it might seem to hon. Gentlemen to be a small thing to put in the front of so great a matter, he should say that the first thing that ought to be done was to hasten, in every way, that arrangement with regard to settling the area of taxation for the poor which was now being made under the directions of Her Majesty's Government, and to bring it into play with the least possible delay. And, if he might adduce one reason more than another which ought to induce Her Majesty's Government to endeavour to hurry that arrangement, it would be the accounts that had reached this country with regard to the state of the potato crop in Ireland. And he did entreat Her Majesty's Government not again to face the frightful evil of famine with the area of taxation as large as it now was. There was another question of far greater magnitude, which he must also take that opportunity of pressing upon Her Majesty's Government, and upon the House—the question of colonisation. Unless that House determined to encourage colonisation to a large extent, all their exertions on behalf of Ireland would be thrown away; for there were many districts in Ireland in which the small farms, or rather wretched holdings, described by the noble Lord (Lord J. Russell) did not exist. Until they took steps to get rid of that wretched system of small holdings, Ireland would remain in its present miserable condition. With regard to the measure which had just passed with regard to Ireland—the Encumbered Estates Bill—he augured great good from it. He also believed that much good might be expected to result from the adoption of the measure which had been introduced by his right hon. Friend the Secretary for Ireland, with regard to registration, but which it had been found necessary to postpone until next Session, when he trusted that it would be passed into a law. But the question which he believed to be the most important of all, was the ecclesiastical condition of Ireland. He confessed that the expressions which had fallen from the noble Lord on that subject had given him the greatest possible pain. The noble Lord had stated that he still felt as he did when he sat upon the Opposition benches, that it was most desirable to establish religious equality in Ireland; but he dwelt upon the great difficulty of discovering any plan for the accomplishment of that object. He felt that the subject was one of very great difficulty; but he would tell that House that it was a difficulty which they must face. He wanted to know why it was that, whilst they found Roman Catholics and Protestants living together in perfect amity in other countries—in Bavaria, Silesia, and every part of the Continent—in Ireland they found them always arrayed in bitter hostility to each other. Did not every one acquainted with Ireland feel assured that, if unfortunately the misguided people who were now in arms in that country provoked a war, that war would become a religious war—it would not only be a war of the poor against the rich, but of Catholics against Protestants? Well, now, he wanted to know why that should be the case? Because the maintenance of the Established Church in Ireland was the maintenance of the marks of conquest, which produced the most bitter results; and, until they entirely removed those galling marks, and established perfect religious equality, there could be no peace in that country. The real difficulty in settling this question was that the Government feared to encounter the religious feeling or bigotry of the people of England and Scotland. He entreated the Government to reconsider their decision upon this question—boldly to grapple with this grievance; for by so doing they would be taking the greatest step towards the pacification of Ireland.

MR. OSBORNE could not regard the question then before them in a merely Irish point of view. He believed that it was a question deeply affecting the welfare of England and Scotland as well as Ireland. He believed that it was a great national question, and as such he should address himself to its consideration. He thought that no hon. Member could say he was entirely satisfied at the close of this Session of Parliament to leave Ireland in the state in which it at present existed, and which was every day getting worse. Having commenced the Session by passing a Coercion Act, and finished by a suspension of the Habeas Corpus Act, it could hardly be said that the House had done its duty towards Ireland. It was a remarkable fact that on that very day, the 28th of July, 1803 (forty-five years ago), the House of Commons was employed in suspending the Habeas Corpus Act for Ireland. Now, he would ask, what had the House done in these forty-five years to produce any salutary change in the condition of Ireland. He must tell the House that there was a deep conviction on the minds of the people—he did not allude either to Young Ireland or Old Ireland, but to the people generally—that that House was incapable of legislating for Ireland; and if there was one duty more incumbent than another on Her Majesty's Ministers and the House of Commons at the present time, it was to show that they were able and willing to grapple with Irish questions—not to fold their arms with complacency, and point to the Encumbered Estates Bill, the Landlord and Tenant Bill, or any other single measure, but to address themselves like men to the consideration of the whole question of the remedies for the grievances of Ireland. He remembered — and the majority of the House would remember—that in the course of last Session, in the year 1847, when a large deputation of what was then called "the Irish Party" waited on the noble Lord at the head of Her Majesty's Government to expostulate with him on certain clauses of the Poor Law Act, the noble Lord cut short the existence of that party by a most laconic query—"What other plans do you propose?" The Irish Party was silent. They proposed no other plan; and in the course of that week the Irish Party expired. He would say to Her Majesty's Government, "What other plans do you propose on this occasion? You have suspended the constitution. What other plans do you propose?" However excellent the tone of the noble Lord's speech might be in the opinion of the House, it would not do on the other side of the Channel; the very milk-and-water hopes he held out would scarcely compensate the Irish people for the very injurious measures he had carried. Indeed, there was no mention of any remedies or of any plans but those they had had this Session. For the fifteenth time—he spoke within his own limited experience—an hon. Member got up and called the attention of the House to the state of Ireland, and the necessity of remedial measures. To the present times, indeed, the language of that great orator, Hussey Burgh, might well be applied when he said, "Talk not of peace. Ireland is not in a state of peace. Ireland is in a state of smothered war." How was it that Ireland was at this moment in a state of smothered war? It had been said Ireland did not come before Parliament in a proper manner to prefer a statement of her grievances. Did the hon. Member who had said so ever hear of "a starving people taught to writhe with grace and groan in melody?" Was it strange, if they felt themselves an oppressed nation, that they did not come before that House with "bated breath" and bended knee? Hon. Gentlemen might talk of concessions. He denied that any voluntary concessions had been made to Ireland. The Limited Parliaments Bill, the repeal of Poyning's law, the great measure of emancipation—why the statesmen of England, from Lord Grenville down to Lord J. Russell, would acknowledge that they had been extorted by the fears of this country. The maxim of the great English poet had been forgotten—

> "Who gives constrained, but his own fear reveals;
> Not thanked, but scorned; nor are these gifts, but spoils."

So would their measures be regarded by the Irish people, till granted, not to meet the exigency of the moment, but to comply with the demands of justice. When they spoke of the ingratitude of Ireland, might he not ask, have you done justice to that country? He defied any one to say that justice had ever been done to the people of Ireland. The Government at one time hanged the Irish, at another caressed them; again deceived them, and then discarded them. What were the declarations of the two leading statesmen in this country, and of different parties, with respect to Ireland? In 1829, the right hon. Baronet the Member for Tamworth said—

> "We cannot determine on remaining idle spectators of discord and disturbance in Ireland. The universal voice of this country declares that something must be done. I am but echoing the sentiments of all reasonable men when I say that something must be done."

That "something," it might be presumed, was Catholic emancipation. What had been the language held by the noble Lord at the head of Her Majesty's Government, so late as 1844? On the 13th of February, 1844, Lord J. Russell said—

> "We have before us the notorious facts that Ireland is filled with troops; that the barracks where the troops are posted have been fortified; that preparations have been made as if the Government were hourly in expectation of civil war. We have before us, in short, the fact that Ireland is occupied and not governed by those who now hold the reins of power. I say, and say it deliberately, Ireland is occupied, not governed, by the present Administration"—[the Administration of the right hon. Baronet the Member for Tamworth]. "In England, the Government, as it should be and has been, is a Government of opinions: the Government of Ireland is notoriously a Government of force."

That was in 1844. In 1848, what did the House think was the state of Ireland? Was it not as much "occupied, not governed," as in 1844? The alternative of this moment seemed to be nothing but civil war or repeal of the Union. It had been said of the right hon. Baronet the Member for Tamworth, that Ireland was his chief difficulty. So it was supposed, not only in Ireland but in this country, that the present Government possessed some extraordinary secret for putting matters to rights in Ireland. When the noble Lord displaced the right hon. Baronet on a Coercion Bill for Ireland, some people shrugged their shoulders; they had their doubts; some objected to the change with reference to the foreign policy of the country; others had other grounds of hesitation; but, on the whole, there was wonderful unanimity in the opinion that the noble Lord's party could set Ireland to rights; the noble Lord had nothing to do but to take his seat on the Treasury bench, and forthwith a series of remedial measures would appear for Ireland. It was not surprising that the people of Ireland, trusting to the words of the noble Lord—as for the last fifty years they had trusted to his party—believed that he had some wonderful secret—that they might look to him as to a second St. Patrick—that he would at once expel all grievances from Ireland. Their expectations might be exorbitant, but they had not arisen without cause. They could scarcely have believed that the noble Lord would have stopped short like the celebrated conjuror who advertised that he would on such a day enter a quart bottle. The promises of the noble Lord raised the public expectation. The people of Ireland were on tiptoe. Could any one be astonished if the Irish people and the Irish Members were disappointed when the advertisement was not fulfilled, and mortified when they found that the noble Lord and his Friends had only crept into office? The noble Lord ejected the right hon. Baronet on a Coercion Bill. He made extraordinary promises; but the promises of a Minister *in posse*, were like lovers' promises. The people of Ireland, however, had long memories. They were taught to expect extraordinary results from the administration of the noble Lord. The Government now in office turned out the right hon. Baronet the Member for Tamworth on a Coercion Bill. On the 15th of June, 1846, the noble Lord opposed the Coercion Bill of the right hon. Baronet, and then said, that Coercion Bill—

> "was not accompanied, above all, with such measures of relief, of remedy, and of conciliation, affecting the great mass of the people of Ireland who were in distress, as ought to accompany any measure tending to an increased rigour of the law."

The noble Lord took office on the express promise that he was immediately to bring in those measures of conciliation and relief. How had he carried out that promise? What had been the upshot of two years' liberal administration? Two Coercion Acts, splendid promises, and the suspension of the Habeas Corpus Act. If complaints were made, what happened? The Chancellor of the Exchequer got up and said, "self-reliance." The noble Lord said, "gradual progress." A noble Lord, in another place, the other day read a homily on tranquillity and letting things alone. Without venturing to suggest to Her Majesty's Ministers the question whether they ever got out of their depth, it might be asked, what would the Chancellor of the Exchequer and the noble Lord, if they were drowning, think, were a passenger on the bank to make them a very cool bow and say, "Self-reliance—gradual progress—tranquillity—let things alone!" Although the right hon. Chancellor of the Exchequer and his noble brother-in-law might be very good types of tranquillity, yet to hold out such things at the present moment to Ireland was most inopportune and most offensive. He held in his hand an address from Irish Members in 1843, subscribed by nearly all the Members of that House connected with Ireland, and by three Members of the present Government. It was an answer to the question, "What do the Irish require?" And, as to the first thing which the Irish required, they said—

> "We demand the recognition of perfect equality in regard to ecclesiastical and educational arrangements between the several religious communities into which the population of Ireland are divided."

That raised a question on which he should make bold to enter at some little length, the question of the Irish Church. It was very far from his intention to utter anything that could be construed into the least slur upon its ministers. For the ministers of the Protestant church he entertained a high respect; a more excellent body of men did not exist. He possessed the advantage of knowing some amongst them, who were men of very high attainments — men who would do honour to any Church; but they were not the men who danced attendance at the levees of viceroys, or dedicated controversial sermons to viceroys' ladies. He should not then mention names, fearing that it might be painful to their feelings; but were the personal merits of the men a reason why the vicious system should continue? Hon. Gentlemen had often been heard to say, that "the Established Church in Ireland was a monstrous grievance; but after all, the Irish Members did not complain;" to say so was really taking a superficial view of the subject. He believed that there was much false delicacy amongst the Roman Catholic Members of that House on the subject of the Irish Church; he apprehended that they did not speak out. Let them ask the hon. Member for Dublin, and he would tell them that throughout the greater part of Ireland the Church was almost always the object of "curses not loud but deep." That hon. Member, and every man who knew anything of Ireland, would tell them that the Irish Church was at the root and was the cause of all the heart-burnings, discontent, and disaffection which prevailed in Ireland. It was an enormity for which there scarcely ever had existed a parallel—with one exception, he had never heard or read of anything of the sort. There were in Ireland 750,000 members of the Established Church. He would not admit there was a million. The question was not how many Protestant Dissenters there might be in Ireland; but how many individuals there were in that country who continued to be in communion with the Established Church. Now, for the religious instruction of this small population of 750,000 souls there were twelve bishops, the aggregate of whose incomes amounted to 70,000*l.* a year. In the mean time, everybody seemed to forget that there were 8,000,000 of Roman Catholics—Parliament seemed to ignore the existence of the Roman Catholics altogether. It was true that they recognised the existence of Roman clergymen by appointing them as chaplains to gaols; but upon what a pauper's allowance were they placed! In the small church to which he repaired on a Sunday, with five-and-twenty other Christians, the Protestant clergyman was like one crying in the wilderness, for he was almost in a condition of solitude; but how different was the state of the adjoining Roman Catholic chapel! That building was crowded; yet those who worshipped there were so poor that they could not add to the building, and therefore the greater part of them were obliged to kneel in the open air. What did the noble Lord mean to do with the Established Church? He agreed with the hon. Member for Manchester in what that Gentleman had said with regard to the Established Church; and should not be unwilling to propose its abolition, if he thought the time ripe for such a purpose; but this he could do at any time. They were accustomed to say, that, after all, the Church in Ireland was by no means a rich Church. If the whole of its revenues were divided equally among the clergy, it would not give them 200*l.* a year each. But, as it appeared to him, the question of rich or poor did not depend, or ought not to be made to depend, upon the numbers of the clergy, but on that of the flocks. The question was, how far the Church was wanted or not. They were told that the Church was very cheap, that it was a great bargain—quite a sacrifice; but he would say that it was not wanted, and was dear at any price. The Irish Church had once been described by one of the best Chief Secretaries that Ireland ever possessed. He meant the noble Lord who at present held the rather curious office of Chief Commissioner of Woods and Forests. That noble Lord said—

> "That in the Irish Church there were livings without duties, a clergy without flocks, pay without work, and gains and sinecures upon the worst principles of the bigot."

While he was speaking of the Irish Church, it might be interesting to ascertain how they had dealt with a Roman Catholic population of eight millions. He held in his hand an account of the sums of money contributed by the State from 1800 to 1842. The various sects of the Established Church of England and Ireland had received 5,207,546*l.*; the Protestant Dissenters, 1,019,647; the Roman Catholics, 365,607*l.* Let the world, then, not be told, that they had put an end to Protestant ascendancy. The shadow might have been removed, but the substance remained in full force. It was reported by a Commission in 1837, that there were in Ireland forty-one benefices belonging to ministers of the Established Church, in connexion with which there was not a single Protestant to be found; that there were ninety-seven benefices with less than twenty Protestants; and 124 with between twenty and fifty Protestants. Thus there were 264 benefices regularly supplied with clergy, so far as regarded the receipt of income, but from which no adequate advantage was derived by the population. If there were no Protestant ascendancy principle involved—if they were legislating for any country in the world besides Ireland—he believed this state of things would not be allowed to exist. It often struck him that Englishmen were somewhat too ready to impute to other nations feelings of bigotry and intolerance; but for the purpose of putting an end to the bigotry with which Ireland was treated, he had not heard of any plan. If he were asked what were his own plans, he should at once say that he had no plan, nor had he heard any plan proposed by the noble Lord for doing an act of tardy justice to Ireland. This, at all events, he was prepared to say ought to be done—the territorial system of the Church ought to be put an end to; and for it the congregational system ought to be substituted. With reference to the Church the country had been mapped out, and the clergy paid according to the area. Now, that might do all very well when the religion happened to be that of the whole nation; but when it was the faith of the minority the case became materially altered. An experiment had been tried by the Stuarts in Scotland; but, as they all knew, had been unsuccessful; yet the noble Lord held out the Scottish nation as a people to be imitated by the Irish at the very moment when he was endeavouring to keep them under the subjection which the Scotch had thrown off. The noble Lord told them to emulate the spirit of industry by which the Scotch were distinguished. He might desire them to emulate the spirit of the Scotch. If they did, they would not submit to the Established Church. According to the congregational system, the pecuniary rewards of the clergy would depend upon the numbers who constituted their flocks, and not according to the area which those congregations inhabited. The congregational system existed in Scotland at the present moment, and prevailed also in Ireland, as far as the Dissenters were concerned. Further, the House could not have forgotten that it was a plan proposed fourteen years ago by a Member of the noble Lord's own Government in that House. He might also remind them, that when in 1835 the present Chief Commissioner of Woods and Forests brought in his Tithe Bill, sequestrating all livings in which fifty Protestant inhabitants were not residing, Mr. Bingham Baring, now Lord Ashburton, moved a certain clause on the 7th of July, 1835, which clause, if the measure proved successful, would have the effect of introducing the congregational system throughout the whole of Ireland. Of that the noble Lord approved. If that measure had succeeded, the redemption of tithes would have gone on, and the principle of separating the Church from the land would have been carried. It appeared to him, that there would be no hope of carrying out a good plan till they affirmed the principle of selling the lands at present possessed by the archbishops, bishops, deans, and chapters, for the purpose of creating additional endowments for the working clergy and for the general funds of the Church. The noble Lord might say there were difficulties to be overcome, and that a Government might be scarcely strong enough to carry such a measure. The noble Lord might consider himself perfectly safe; no party would be bold enough to take office in the present circumstances of the country. There was one other thing which remained as a division betwixt Catholics and Protestants, and that was the situation of the Irish bishops in the House of Lords. He knew that there were insuperable objections to Roman Catholic bishops taking their seats in that House; but he did not see why they should not remove the Irish Protestant bishops from the House of Lords. He thought it would be for the interest of the Irish Church, and would remove discontent from the minds of Roman Catholics, to remove them from that House, while it would afford an opportunity of reducing their incomes. He would pay the surplus derived from the Protestant Church, as was proposed in 1835 by the Government of Lord Melbourne, into the Consolidated Fund, of which no man could have any jealousy. They never would have a permanent settlement of the question till this was done; and when they were told that this was not the time to do it, he would call their remembrance to the argument used by the right hon. Gentleman the Member for Ripon (Sir J. Graham), when expostulating with the opponents to the Government of which he was a Member; and he would, at the same time, tell the noble Lord that he had created the difficulties which he had now to overcome. The right hon. Gentleman said, "There was the responsibility of Government, but there was also the responsibility of Opposition." He accepted that definition; and when he heard people talk of exaggerated hopes, and find fault with the hon. Member for Manchester for what he had said regarding the Irish Church, he thought he was called upon to give a short synopsis of what had been said by some of the present Members on the subject of the Irish Church. Where was the Secretary for the Admiralty (Mr. Ward)? He did not see the hon. Member in his place; but if he should recall some of his words on this subject, even in his absence, the hon. Member would have no right to complain. In August, 1843, he brought forward a Motion on the question of the Irish Church, which was counted out; but in June, 1844, he moved for an inquiry into the Irish Church temporalities. On that occasion he said—

> "This Church is the root of Irish discontent; let it become the cradle of Irish tranquillity, the

pledge of a reconciliation, which can no longer be deferred without the utmost peril to our existence as an empire. We may depend on it Ireland will have her rights. It is still within our power to say, whether she shall derive them from our justice or from our humiliation. There is but one way to avert repeal; that is, to consummate in time the great act of religious and national emancipation."

The hon. Member for Northampton (Mr. V. Smith)—

"warned the House not to delay the settlement of this question until it was forced on them by a revolt in Ireland, or a foreign war. At every turn, and in every act, they were met by the Irish Church. The vote he should give would be a vote of want of confidence in Sir R. Peel's Ministry, as far as related to their Irish policy, if they did not take some step as to the Irish Church."

The noble Lord (Lord J. Russell) said—

"The state of the Church of Ireland is the most important question. I believe there is no such case at present existing in Europe—no case of any Church of this kind. The only parallel that can be found in history is the state of the Episcopal Church in Scotland during the reign of the Stuarts, under which that country was convulsed with disturbances and insurrection, and oppressed with tyranny and wrong. The same feelings exist in Ireland as formerly existed in Scotland; and I cannot but believe that some remedy is required before you can expect peace and tranquillity to be restored to Ireland. When the Irish see you impose on them a grievance—no nation in Europe submits to them—I ask if the warmest loyalty may not grow cool, if the strongest attachments may not turn into enmity? Until you have tried just and conciliatory measures, you have no right to say that you have done justice to the people of Ireland."

These were taken from speeches delivered on that occasion, when on a division the Ayes were 179; the Noes 274: Majority 95. There were twenty-five Members of the present Government in that minority, and of that number eight were Cabinet Ministers. Well, then, there was the right hon. Gentleman the Member for Northumberland, the Member for Harwich, the Chancellor of the Exchequer, the noble Lord the Secretary for the Colonies, the noble Lord the Secretary for Foreign Affairs, the President of the Board of Trade, the Paymaster of the Forces (though he did not know whether he was now a Member of the Cabinet or not), and the noble Lord the Member for the city of London. But there was another debate in April, 1845, and on that occasion the faithful friend of the cause again brought the question forward, as—

"he thought it was now high time for doing away with the Established Church in Ireland, which only remains as a monument of England's conquest and Ireland's disgrace."

The Admiralty came out very strong on that occasion, and the Motion was seconded by an hon. Gentleman now a Lord of the Admiralty (Captain Berkeley), who said—

"the Church of Ireland was the monster grievance of Ireland; and what, then could be more just than the Motion of his hon. Friend?"

Mr. Macauley, in a speech almost seditious, said the Church of Ireland was not only a bad but an infamous institution. He said—

"This is my deliberate opinion, long entertained, confirmed by much observation and reflection; and it is my opinion that of all institutions now existing in the civilised world the Established Church of Ireland is the most absurd and indefensible; it reverses the text of Scripture—'It filleth the rich with good things, and sends the hungry empty away.'"

Lord Howick—

"regarded the Protestant Church in Ireland in the same light as Mr. Macauley. He had been convinced for many years past that that Church had been a great obstacle to the spread of Protestant principles in Ireland; and he believed that the Church was at the root of all the oppression which had taken place in that country."

In 1845 the noble Lord (Lord J. Russell) as ardent a friend of the reform of the Irish Church as in 1843, said—

"Whether or not there will be any future discussion upon that subject I know not; but if there should be, I shall think it my duty to contrast the conduct of hon. Gentlemen opposite from 1836 to 1841, and their conduct from 1841 to 1843, with that which they are at present pursuing; and I do come to this conclusion, that either there was the greatest blindness, the greatest want of foresight from 1835 to 1843, and in that case I have no opinion of their wisdom, and must suppose that the Ministers are the most wanting in capacity of any that have ruled this country for a long time; or, if I refuse that conclusion, and say they are men of great ability and capacity, I must deny that they acted with any sincerity during the whole course of their opposition."

Those were the opinions expressed on the Irish Church question from the time of the Appropriation Clause in 1835 down to 1845 by those Members of the present Ministry. But there might be many people who would not give any great weight to the opinions of laymen. If so, here was the opinion of that great and good man Dr. Arnold:—

"The Irish being a Catholic people, they have a right to perfect independence, or to a perfectly equal union; if our conscience objects to the latter, it is bound to concede the former. Whether Ireland remain in its present barbarism, or grow in health and civilisation, in either case the downfall of the present Establishment is certain; a savage people will not endure the insult of a hostile religion; a civilised one will reasonably insist on having their own."

He would now dismiss this question of the Irish Church. He had shown conclusively that no language could be used so strong, no arguments so unanswerable, as those drawn from the speeches of the Members who now sat on the Treasury bench, and employed by them when they were in opposition. There was one other subject on which there ought to be perfect equality in Ireland. He referred to the state of the University of Dublin. There could be no perfect religious equality in that country, while they suffered that University to remain in its present state, and excluded Roman Catholics, who formed the great majority of the people, from its benefits and its honours. Perhaps it might be said, by way of taunt, that after having settled the Church of Ireland, they were not content; but he agreed with Dr. Doyle, "that the removal of the Church itself would not tranquillise Ireland." He believed that by itself it would not be sufficient. He was one of those who thought that no patchwork system of legislation for Ireland would be of any use. It was of no use coming down with peddling measures in the course of the Session; blowing the trumpet in the Queen's Speech about remedial measures, and bringing in the Encumbered Estates Bill, which, however useful—and he had supported it—would never, he believed, work well in the way in which it had been altered in the House of Lords. There was another point adverted to in this address of the Irish Members in 1843, subscribed, be it remembered, by three Members of the Government, and that was the adoption of measures calculated to improve the condition of the industrial classes. To the consideration of such measures, in conjunction with others, it was of vital importance at all times, and more particularly at the present, for this House to devote its energies. He was not fond of quoting statistics; but he had a few so short, and so appropriate to the purpose, that he begged the attention of the House while he called its attention to the state of Ireland, as represented in the last population returns. He found that in Ireland there were 8,175,124 persons and 2,385,000 were absolute paupers, living in mud cabins; 7,000,000 belonged to the agricultural class, and the labourers received from 4*d*. to 10*d*. a day wages in the west and south of Ireland, and from 8*d*. to 1*s*. in the north. The average wages in Ireland were 2*s*. 6*d*. per week, and a third of the population were actually paupers. Perhaps hon. Gentlemen would say, that for this state of things the Legislature had granted a poor-law; but he must make the remark, that it was this poor-law, so late as 1846, which was the very measure of all others which the noble Lord deprecated. He thought that there was one material point, in passing a poor-law for Ireland, which ought to be taken into consideration by the Government, and that was the capacity of the country for a poor-law in relation to the property; that was to say, how far the property could bear the paupers chargeable upon it. The districts of Ireland differed as much as various countries. The district where his property lay was capable of bearing a poor-law; but in the west and south, where the population exceeded the number of pounds sterling paid in rent for the land, and where all depended entirely on the crop, a failure of the harvest rendered it totally impossible for the district to bear a poor-law. Compare the rateable property in England with the rateable property in Ireland. The rateable property in England amounted to 62,500,000*l*., with a population of 16,000,000. The rateable property in Ireland only amounted to 13,500,000*l*., with a population of 8,000,000. Thus, with half of the population of England, Ireland possessed but one-fifth of the means. In point of fact, Ireland's means were less, because the amount of property not rated to the poor in England was probably ten times as great, in proportion to the rateable property, as it was in Ireland. But the noble Lord spoke of the system of small farms, and Tuscany had been referred to. But Tuscany was a complete market garden; it was all vineyards. That, however, was not the adequate remedy; and he had heard the noble Lord and his supporters say, that the only system for Ireland was forming large farms on the English model. He certainly disagreed from that, because he thought that Ireland was a country peculiarly adapted for small farms. Not, however, farms of seven acres, but of twenty-five acres. That was the system adapted to Ireland. If hon. Gentlemen said that large farms would cure the evil, let the House test the value of that assertion. He found that in England there were 770,000 families, cultivating 25,000,000 acres; and in Ireland 970,000 families, cultivating 12,000,000 families. Supposing the English system were established in Ireland, then the 12,000,000 acres would only require 370,000 families for their cultivation. This would be a great gain. There were probably 4,000,000 acres of waste land reclaimable, half for tillage and half for coarse pasture, which, supposing that they would all pay the expense of reclamation by capitalists, might on the same plan employ 100,000 families. Taking the largest allowance of labour, however, and assuming that the English system of agriculture might employ upon the whole soil of Ireland, if every acre of waste were reclaimed, 500,000 families, they had still left 475,000 agricultural families to be provided for, which, according to the census returns, made more than 2,500,000 persons. What were they to do with them? But in Ireland—for it was an extraordinary country—besides these 2,500,000 persons, a great quantity of young men were to be met with having no profession. The Irish gentlemen had no interest at Court in respect to getting appointments for their families, and there was always a lot of young men in Ireland waiting for commissions; and they might be seen waiting for commissions from the age of 15 to 60, shooting snipes and breaking horses all their lifetime. In this country there was nothing like that, because the East India Company took off all their surplus young gentlemen; and many men being connected with the Government got their Tom, Jerry, or Harry placed in a situation. The House must come to some plan such as that adverted to by the hon. Member for Southwark in his able and eloquent speech the other evening, namely, systematic colonisation; and he was surprised at the hon. Gentleman below him saying that the colonies were glutted with labour. The contrary was the case, for Australia and all the colonies were actually begging for labour; and he believed that this was the natural thread which Providence placed in their hands to lead them out of danger. He would not enter now into the question of waste lands and the grand jury laws, however necessary he might think measures to be in respect to them; but he begged the noble Lord to recollect that in 1842 a Commission reported on the grand jury laws, and no notice had been taken of their report. These, however, were minor measures, and he believed the question of the franchise to be a minor measure, however, necessary. The question was, what was to be done with the 2,500,000 persons he had before mentioned? He was anxious to see the statesman who should solve this problem; and, after hearing the noble Lord's speech, he feared that he was not the statesman nor his supporters the party who would solve it. He had said on a recent occasion that if they wished to go on with Ireland in peace and content, and to spare this country the expenditure of enormous sums of money, they must modify the Act of Union. Everybody knew that the Union was a one-sided bargain, for which and for selling the liberties of their country the Protestants were well paid. He was of opinion that their whole system of Irish Government was breaking down. The government of the country, by the means of a Viceroyalty, could occasion nothing but discontent. They had in Ireland a Brummagem Court, a mock Sovereign, and pinchbeck Executive. The Home Secretary was the real Government of the country, and the consequence was that they had no settled policy in Ireland. When they had a Lord Lieutenant there going on and doing his business well, like Lord Normanby, they got rid of him, and thus there was no fixed government. Let the House consider how the system worked. The House voted money for the national education system, and they might have a Lord Lieutenant going to Ireland who, from his political views, did not like that system. His great patronage was church patronage, and he perhaps thought the national system unscriptural. Then, if some bishops were appealed to, the pulpits might ring with denunciations of the national system, for no clergyman would then have a chance in certain districts of getting promotion, if he supported the system which that House supported. There was another evil in Ireland which would come home to the Chancellor of the Exchequer. He maintained that the system of having a Lord Lieutenant there defeated any hopes of that self-reliance which had been preached up to the Irish Gentlemen. That was one reason for the absence of that quiet and tranquillity which was here represented by the Chancellor of the Exchequer and his noble relative. Every one in Ireland leaned on some one else. The labourer leaned on the farmer, the farmer on the landlord, and the landlord, like a true believer, leaned on the Castle at Dublin. He said, therefore, "Abolish the Lord Lieutenant." That was the course which had been recommended by Lord Monteagle in 1831. Lord Althorp delivered similar sentiments; and even Mr. Shaw, the representative of the University of Dublin, said, in 1845, that—

> "Their highest offices were filled by strangers, unacquainted with the habits, wants, or feelings of the country. The Lord Lieutenant was a pageant; the shadow ceased to dazzle them; the so-called Irish Government was regarded as little more than a mockery; the Castle of Dublin was but a registration court for the behests of the Home Office at Whitehall."

The noble Lord himself admitted in 1844 that the system of government in Ireland was a bad one, but added the usual answer, that "the time was not come." While he recommended the abolition of the office of Lord Lieutenant, the Government must be prepared to make another appointment, that of a fourth Secretary of State, whose services should be devoted to the Home Department. Another point to which he wished to call the attention of the Government was the propriety of holding a Session from time to time in Dublin. It would go far to remove the stigma which was cast on this country by no less a man than Lord Clare, who said that the English Government and people knew less of Ireland than of Belgium or any other country of Europe. Another suggestion which he wished to make, was, that an humble address might be presented to Her Majesty praying that she would be graciously pleased annually to pay a visit to Ireland. As hon. Gentlemen laughed, he would trouble them with the opinion on this point of a statesman and a philosopher, Sir John Davies, who, after recounting the beneficial effects of the statute of Kilkenny, went on to say—

> "I join with these laws the personal presence of the King's son (Lionell, Duke of Clarence, son of Edward III.) as a concurrent cause of this reformation, because the people of this land, both English and Irish, did ever love and desire to be governed by great persons; and I may take occasion to note that, first the absence of the kings of England, and next the absence of those great lords who were inheritors of those mighty signories of Leinster, Ulster, Connaught, and Meath, have been main causes why this kingdom was not reduced in so many ages. Touching the absence of our kings, three of them only since the Norman Conquest, namely, Henry II., John, and Richard II., have made journeys into this land; and yet no sooner they are arrived here but that all the Irish took oaths of fidelity, and gave hostages to continue loyal."

He felt very sure that if the Sovereign were annually to visit Ireland—and let him remind Her that no monarch but one of Her race ever set foot on its shores, and that he, though not much respected by the English people, was received in Ireland with the utmost enthusiasm—he felt very sure that, if this were done, even the star of the King of Munster would "pale its ineffectual fires," and the Queen's presence would go very far towards settling the minds of the people of Ireland. The noble Lord, no later than last night, took up the ball which was thrown to him by an hon. Member opposite, and said, as he (Mr. Osborne) thought sarcastically, that Irish Gentlemen of property and influence in Ireland would do well to return to their own country. He begged to tell the noble Lord that men who had property in Ireland had not influence there; and this had been brought about by the neglect of the noble Lord. He should have no objection to go to Ireland, if the noble Lord would give him a pledge that he would immediately introduce remedial measures for that country; but until the noble Lord did so, he should feel it his duty to watch the interests of the Irish people in that House, and see that measures neces- for their welfare were not put off for "a more convenient season," which might never arrive.

Mr. ANSTEY concurred in a great portion of the able speech just addressed to the House; but his hon. Friend had entirely miscalculated the feelings of the Roman Catholics with regard to the Protestant Church, when he emitted the opinion that the Established Church was the monster grievance of Ireland. He (Mr. Anstey) was himself a Roman Catholic, and represented a population nearly equally divided between Roman Catholics and Protestants, and he could assure the hon. Gentleman, and the House, that neither his constituents nor himself considered the Established Church to be the chief grievance of Ireland, or, indeed, any grievance at all. There was no charity or corporation, whether secular or spiritual, whose property was not secured to them on trust as much as the property of the Established Church; and yet, would it be pretended that this House had the right to sequestrate the property of these holders at their mere caprice? And how could the peasantry be injured by the maintenance of the Established Church? Tithe was not taxation, and the lands of the Established Church were not bought and paid for out of the public moneys? How, then, could the pauperism of the 2,500,000 of people, which they all deplored, be attributed, in the slightest degree, to the maintenance of the Established Church? He could tell the House, on the contrary, that the maintenance of the Established Church, in all its possessions, was regarded by the

Roman Catholic people of Ireland as a great mitigation of their general distress, which was mainly to be attributed to bad government, and an improvident and wasteful Administration. At his election, he had brought this question openly before his constituents, and he found that there was not a Roman Catholic among them who expressed dissent from his views; and he particularly remembered that the Rev. Mr. Power, a Roman Catholic parish priest in the neighbourhood of Youghal, addressed the people to the same effect, and told them that, putting aside abstract principles altogether, the agitation against the tithe system was most impolitic, as its effect, if successful, would only be to transfer the fund from a mild, generous, and resident proprietor, to the pockets of the wealthy and absentee Duke of Devonshire. This was not a national question—it was not an Irish question—it was a Whig question, brought forward with the effect, if not with the design, of dividing still more Irishman from Irishman, and widening the schism that separated Roman Catholic from Protestant. It could only proceed upon the principle that Parliament had a right to deal at its pleasure with all the property that had been transferred from the Roman Catholic to the Protestant Church at the time of the Reformation; but if this principle were sound, then Parliament must have an equal right to deal with the property taken from the Roman Catholic Church and secularised; and then what would become of Woburn Abbey and the other church possessions that were now held by laymen? He would content himself with making this solemn protest against the doctrines held on this subject by the hon. Member for Middlesex. Touch the rights of the Protestant Church Establishment, and by what title could you hope to maintain the rights of the Roman Catholics? Touch the liberties of the Protestant, and what excuse had you to offer when your own were invaded? These sentiments, if adopted in all their fulness, tended to the perpetual alienation of man from man, of class from class—to the mutual hostility of Catholic and Protestant, Churchman and Dissenter, in Ireland; and therefore furnished to those who had the power to resist the prayer of national independence, the best opportunity and the justest motives for that resistance. Upon the other questions touched upon by his hon. Friend, he should not say a word; and he should have contented himself with a silent vote in favour of the resolution of the hon. Member for Rochdale, but for the introduction, by the hon. Member for Middlesex, of topics which, in his (Mr. Anstey's) judgment, were entirely foreign to the subject. Let him, before he sat down, address a few words to the noble Lord and his Colleagues on the present state of the public business of Ireland. Several valuable measures had been abandoned—among others, the Roman Catholic Relief Bill—because Ministers were anxious, as they said, to carry the Landlord and Tenant Bill; and yet he was surprised now to learn that that measure was also to be postponed till next Session. Surely such a measure as that was of more consequence than those measures which had been recently brought forward, and which they seemed determined to press forward to the exclusion of everything else. If there was not time to consider measures that related to Irish distress, surely there was no time to consider a measure that constituted an invasion upon the rights and liberties of English constituencies, the consideration of two clauses of which had wasted six hours last night. After this, what credit could be given to the professions of a Minister who complained that he was prevented from passing remedial measures for Ireland by the state of public business? The only proof of the interest Ministers had in the welfare of Ireland, lay in their passing three Coercion Bills, which, if they were necessary, had become so through their own scandalous maladministration.

Debate adjourned.

FARMERS' ESTATE SOCIETY (IRELAND) BILL.

Order of the Day for the Committee read.

MR. GLADSTONE said, that having acted as Chairman to the Committee to which the Bill was referred, he would very briefly explain its object and the nature of its provisions. The object of the Bill was to create a body of independent yeomanry in Ireland: and the way in which this was to be done was by incorporating a company to purchase land and to resell it, divided into portions, the minimum being restricted to thirty acres, below which subdivision was not to be permitted. There were two points which the House would feel called upon to consider—first, whether the incorporation of a company for the possession of land was not a deviation from the ordinary current of legislation; and, secondly, whether the provisions proposed to be adopted for preventing the subdivision of land into portions less than thirty acres, were likely to be sufficient for that purpose. As regarded the first point, a precedent for the present measure was to be found in the Irish Waste Land Improvement Society Act, which was passed in 1836. With respect to the second point, it must be a matter of speculation whether the provisions of the Bill were calculated to prevent the subdivision of land into smaller portions than thirty acres. The plan was ingenious and not complicated; and every person who had been consulted on the subject was of opinion that no better one could be devised. It was provided that if the land sold by the company should at any period, no matter how remote, be found occupied in portions less than thirty acres, a penalty should accrue not incident on persons merely, but on the land itself. The penalty was to amount to half the rated annual value of the land, and it was to be applied in aid of the poor-rate of the electoral district; thus every ratepayer and guardian would have a distinct interest in looking for the recovery of the penalty. It was, of course, impossible to say how the provisions of this measure would work in future generations; but if it should prove efficacious for fifty years, that would be time enough to test the possibility of establishing a body of small independent yeomanry in Ireland. Under the circumstances of the case, he thought that the House would be justified in deviating from the general principle in passing this Bill, and he recommended it to take that course.

After a short conversation, the Bill went through Committee *pro formâ.*

House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Saturday, July 29, 1848.

REMEDIAL MEASURES FOR IRELAND—ADJOURNED DEBATE.

Adjourned debate resumed.

MR. M. J. O'CONNELL observed, that in the absence of all the Cabinet Ministers he felt some difficulty in addressing himself to the Irish policy of the Government, especially as he should follow four hon. Members who had spoken in support of the resolution. He must add his feeble but earnest remonstrance against the do-nothing policy which Her Majesty's Government had come to the conclusion of adopting. He had frequently complained of former Administrations, that their measures were not calculated to serve or to assist Ireland; but they had, at least, this merit, that, whether their measures were good or bad, they carried them. Her Majesty's present Government could not, he regretted to say, lay claim even to that virtue. It had been said that, in the present state of Ireland, to do nothing was to do wrong; and, paradoxical as that observation might appear at the first view, it was essentially true, for really nothing had been done whilst much was required. It was true that, in the course of this lengthened Session, three successive measures had been passed with the view of suppressing outrage, and putting down popular discontent. As to the two first, he should not allude to them, and only to the third to say that his absence from the House, when it was finally carried, arose not from any wish to shrink from the responsibility of supporting it, but from accidental circumstances. Painful as it might have been to his feelings, he should have given to that measure all the support in his power, believing that, harsh as it unquestionably was, it was really necessary for the welfare and benefit of the Irish. He could not avoid expressing his regret, that after the speech of the noble Lord last night, which, though it did not hold out much hope of remedial measures for Ireland, had at least the merit of betraying no angry feeling, his hon. Friend the Member for Middlesex should have entered into some topics which, at the present moment, should not have been touched. Should disturbances unhappily break out in Ireland, he hoped they would be put down with determination coupled with all possible mildness, which the country had a right to expect from the character of the noble Earl at the head of the Irish Government. He came now to consider the questions upon which the absence of legislation had been the subject of just complaint. First, there was the Church question, on which his observations should be made with a view to conciliate rather than to irritate. Religious considerations appeared to him to be excluded from the present disturbance or discontent of Ireland to an extent that was perfectly unprecedented; but if civil war should unfortunately break out, he did not believe it would be possible to keep them out of view. He feared that this strong element, which now lay concealed in the rural mind of Ireland, would in that case soon develop itself; so that the contest, which might have begun in the first instance between the supporters and the opponents of the British Crown, would soon turn into a war between the Catholic and the Protestant. As to the Church question itself, he was convinced it could never be settled except, as all great questions must be, upon the principle of compromise; and that in the principle of compromise there must not be left out of view the feelings of the Protestant laity of the middle and lower classes. He should have been glad to have seen the Government Bill for the improvement of the franchise pass in the course of the present Session; but its passing either this year or next was of very little importance, compared with measures that would give the people the power to live. Employment and food—food and employment—were the first questions to be considered, in discussing the remedial measures necessary for the welfare of Ireland. These subjects brought him to the omissions of which he conceived the country had a right to complain of Her Majesty's Government. They were unquestionably right in postponing the consideration of a settlement of the Church question, and also the question of the franchise; but before this Session closed, or, if it were too late, early in the next Session, he implored them to do something towards promoting the great object, an object vitally essential for the welfare of the people, namely, finding them employment. The noble Lord said that English as well as Irish measures had necessarily been postponed this Session. That was true; but there was this difference between the English and the Irish measures—that the English measures had not, year after year, been recommended for consideration by seventeen or eighteen Committees of that House, and by different Royal Commissions. In 1844 a Commission recommended legislation upon the subject of landlord and tenant. Three Bills had been brought forward in relation to it; one this Session, which had been considerably amended in Committee; but it now appeared that all their labour and care were to be thrown away. He particularly alluded to this question, because the subject was far from being popular in Ireland. The public mind of that country had gone to such lengths in looking for interference between landlord and tenant, that it was important some measure should be passed as soon as possible, in order that the expectations which were rife should be checked. If there were opposition, it was certainly not likely to be overcome by the readiness which the Government had shown to yield. Numerous other measures had been recommended by Commissions and Committees from the year 1811; and from the time of the Poor Law Commission to that called the Devon Commission, there had been a regular series of recommendations, tending to the productive employment of the labouring classes. One measure had been secured, namely, a poor-law granting a full right of relief to the poor, and in certain cases to the ablebodied. This measure was not popular in its working; but, unpopular as it might be, he had no hesitation in stating his adhesion to the principle. Its severity was a necessary evil. He could not help reminding the noble Lord that, in 1846, before he was convinced the poor-law was necessary, he declared that a measure for the reclamation of waste lands was essential for Ireland. He repeated that a measure for the employment of the poor in the reclamation of waste lands, as an aid to the working of the poor-law, and to enable the distressed districts to bear the pressure inseparable from that law, had been promised, but, in point of fact, not given. What was the history of the measure to which the noble Lord referred? Something like the Landlord and Tenant Bill of the present Session. It was not, however, referred to a Select Committee to prepare the way carefully, but at once thrown out of the window. One or two of the Members expresssed their doubts; some wanted emigration, some had their heads full of railways—some had one notion, and some had another—when the truth was that the condition of Ireland required not one panacea, but a series of combined measures, any one of which would have been imperfect without the assistance of the other. [Lord J. Russell: 500,000*l.* had been transferred for the purposes of land improvement.] He admitted that money advanced to proprietors for drainage had done good; but there were some districts where the landlords were poor, and where to charge the landlord with the interest of the instalments would add to his burdens to such a degree, that, instead of conferring an advantage upon him, it would add to his losses. The measure, however, for the improvement of waste lands had been abandoned. Then, with regard to proposals for railways and public works, Ireland had been the victim of several mistakes in this respect. The plan of the noble Lord opposite (Lord G. Bentinck) was too extensive, both in the amount proposed to be advanced, and the object to be accomplished. These circumstances caused the rejection of that measure; but the principle of aid by the State to railways was sound and valuable in itself. Last year a minor plan was proposed by the Government; and he called upon the House to look at the results of even that limited amount of public money advanced to a railway company. The great line between Dublin and Limerick had been opened by it; 700*l.* per week had been added to the receipts; and when the line was opened to the large towns south of Cork, the increase would be still more striking. He would put it to the strictest economist in the House, whether it was not cheaper to govern Ireland by paying labourers than soldiers. One or the other must be done; for so long as distress and destitution prevailed in every variety of form, there would be discontent. Employment, therefore, was the first essential; and he earnestly recommended the Government to take this subject into their earliest consideration, and whatever measure they determined upon, to carry it—shrinking from no opposition, whether from without or within. He had no doubt that the individual intentions of every Member of the Government, whether belonging to the Cabinet or not, were sincerely favourable to the welfare of Ireland; but Ireland had reason to complain that those individual intentions produced few collective results. Somehow or other there was always wanting an unity of will and purpose in the Members of the Government—great readiness, certainly, to take everything into their consideration; but just when the subject was ripe for being carried into effect, some opposition started up, or some screw became loose, in the Cabinet or out of it, and then there was equal facility in allowing the whole project to fall to the ground. Now, if this policy were allowed to go on in future, it needed no spirit of prophecy to tell the House what the inevitable result must be. If promises were to be made and expectations encouraged, of good and useful measures, which were not realised, the history of Ireland for the next ten years might be written in blood. Present disturbances would be put down—he hoped without bloodshed; but put down they would be. The cause of law and order was safe in Ireland—the authority of the Sovereign would triumph. But when disturbance had ceased, when the fury of popular excitement was passed, Ireland would be, as she had been for many years, a burden upon the resources of England, and a cause of weakness instead of power to the British name, if her evils went unredressed.

MAJOR BLACKALL said, that taking the Amendment abstractedly, there was no Irish Member who would not readily give it his support; but it had been followed by a speech from the hon. Mover containing views as to remedial measures from which he entirely dissented. He wished it to be recollected that there had been an obstructive as well as a do-nothing policy during the Session. It was said, that the coercive measure passed at the commencement of the Session had been inoperative. His own county, Longford, was one of the first put under it; and he could only say that it had restored tranquillity in a very short time. Longford remained tranquil to this moment, an example to many parts of Ireland. To what was this attributable? To the excellent example of the Roman Catholic clergy and gentry, who discouraged political agitation and the club system. Much mischief, he believed, would be done by the speech of the hon. Member for Middlesex, in which he attributed nearly the whole of the evils of Ireland to the Church. That speech was likely to create feelings of sectarian bitterness; whilst, as he believed, it did not contain a true representation of the opinions of the Irish people. In all his (Major Blackall's) communicacations with the Roman Catholics of Ireland, he had always found them professing a wish not to do away with the Protestant Establishment; and he believed they were sincere. However much he might wish for reform in the Irish Church, he would never consent to its abolition. He had no confidence in many of the remedial measures proposed. The panacea for Ireland was to encourage employment—to support the law. He must say, that in the present state of Ireland there were considerations which should induce the Government to treat her with great caution. The great mistake had been in adopting permanent legislation at a moment of temporary distress; and the House was now passing measures which would rather involve her in further difficulties. The measure which had met with most success, would force into the market a large proportion of Irish property. Another law had been passed, which all were unanimous in thinking required amendment. He was not opposed to a poor-law in principle. He had endeavoured, as far as he could, to carry out the Act; and in his own district he had no reason to complain of it; but he could not help saying that it was in consequence of the advantageous position in which he was placed that he had been able to make it auxiliary to employment. His division being a small one, there being only four landed proprietors, who had a community of interest, the poor-law had been made auxiliary to employment. They had been able to keep every ablebodied pauper in employment since November. He did not think, however, they could trace disaffection to the existence of distress; he believed that the disaffection was created by those who had harped upon the subject of the injuries of Ireland until they had driven the people into discontent. There was one part of the speech of the hon. Member for Middlesex last night in which he cordially concurred. He was favourable to the proposition of having an annual sessions in Dublin, for the despatch of Irish business. He had not heard one word as an objection to that. He was perfectly convinced that a firmer knitting of the interests of the countries, the bringing over to Ireland English gentlemen and English capital, would be the result; the public opinion in favour of such a course was daily gaining ground, and he had entrusted to him a petition from the grand jury of the county of Meath, signed by gentlemen possessing property to the amount of 80,000*l.* per annum, in favour of the proposition. He thought that the proposition of the hon. Member for Rochdale, however fair in the abstract, was not borne out by the circumstances of the case; and, particularly, disagreeing with him in the reasons which he had given for bringing it forward, and disagreeing with him that it was advisable at the present moment, he should support the noble Lord.

MR. P. SCROPE said, that the state of Ireland was important to England was plain from the events of the last two years, and the events of the last two days. If the Irish remained in a discontented state—if civil war were to break out, would not the English people have to pay the expense of the maintenance of troops? and the loss of tranquillity would produce ruin in this commercial country. England would not only pay for it in that manner, but in the loss of reputation in the eyes of Europe—in the loss of strength, power, and position amongst the nations of the earth. He, therefore, hoped the English people would seriously take into consideration the state of Ireland, and no longer trifle with a question which had attracted the attention of Europe. It was not many years since one of the most eminent men that Ireland had produced (Dr. Doyle) said, that the unrelieved poverty of Ireland would continue uncorrected by British legislation until pauperism executed on their heads the vengeance of Heaven. He asked whether that prophecy did not appear to be in the course of completion? That eminent man died of a broken heart from despair, at seeing no improvement in the condition of the Irish. Last year was passed the Irish poor-law—forty-seven years from the Union; whilst for three hundred years England had enjoyed the right. It had been deferred until the second year of famine, and that famine had completed the difficulty of working the scheme. That law was accompanied by a clause which had exasperated the clearance system; it gave facility to landlords to clear their estates. The Landlord and Tenants Bill, he believed, would be a delusion, rather than a remedy, unless it was materially modified and altered. The state of the law of landlord and tenant operated as the most cruel and pressing grievance on the people of Ireland, and was at the bottom of the discontent of the Irish peasantry. Unless the House set to work earnestly and thoroughly to settle that question, they would not put down the insurrection which threatened Ireland, or, if it were put down, it would break out again. The cry was, "Ireland for the Irish." What they meant was, that the Irish should be allowed to live in Ireland by the exercise of their industry; that the laws which at present prevented them doing that, and robbed them of the fruits of their industry, should be altered in their favour; that justice should be done between landlord and tenant. He wished to say nothing that was irritating; but if what he said was true, he thought it desirable that it should be stated. It would rather have a soothing effect than otherwise, if it were known that in this assembly, and amongst English Members, there were some who sympathised with the Irish tenantry; and would encourage them to believe that, without force, sooner or later they would obtain redress. For some time past, many of the landlords in Ireland, by the help of our army and the police, had attempted, and many of them in fact carried into effect, the clearance of their estates. The landlords, as a body, small as their numbers were—about 8,000 holding in fee—had the power of clearing from the face of Ireland the whole of the population—they might sweep off their estates the whole of the present inhabitants. He had brought cases of this kind before the House, one in which 140 houses had been cut down a few days before last Christmas. The landlords had mistaken views as to the clearance of estates, and the number of small farmers; and he was delighted to hear from the noble Lord his opinion that small farms might maintain the population in comfort and abundance. If the Irish landlords were of that opinion, there would be no danger for Ireland; but it was the contrary opinion which prevailed amongst them, namely, that the first step towards improvement was the clearance of their estates from small farmers, and the establishment of large farms, according to the practice of Lincolnshire and Norfolk. If they did not point to that, he believed that the discontent in Ireland would not be great; but when all these indications had been given of the conduct of landlords, was it extraordinary that we should see recklessness and discontent in the peasantry? They believed that it was intended to drive them off the land which they occupied, and that belief was at the bottom of the insurrection. He would read a word or two from one of the most recent documents put forward by the revolutionary party—an article from the *Irish Felon* of last Saturday, in order to show what the grievance was in the opinion of those who were now supported by so large a proportion of the discontented population of Ireland. It was—

> "Our most suffering, most patient people have long humbly prayed the ruling faction to live by honest industry in their own land—in the land in which God has placed them, and in which Heaven has amply provided the means of maintaining them. We have claimed Ireland for the people of Ireland, and our rulers call that pillage. Is it worthy the name of robbery or pillage—the cry of the people of Ireland to live by their labour? We have begged that the produce of Ireland should sustain the lives of the Irish people, and our rulers call that plunder. We have entreated Irish landlords to act as Irishmen, to enjoy the advantages of their social condition, but to take that enjoyment with all its duties; to receive their rents, and revel in their wealth, but to make that wealth subservient to the happiness of the Irish people; and most of our landlords accuse us of robbery, because they say, 'We are English, we have no part with the Irish.' 'Ireland for the Irish' excludes us."

The answer to that was—this is a demand for the confiscation of rents; but did the Irish people want any thing more than to live honestly by the sweat of their brows? How could they expect Ireland to be otherwise than disturbed? Houses had been levelled by the landlords to an extent which was unparalleled; but when one house had been levelled in Surrey, and levelled in the most legal manner, it produced the greatest excitement throughout the neighbourhood. In one district in Ireland, within the last year, 9,000 persons had been turned out upon the world houseless and homeless, whilst in another district, in one union in Kerry, 1,000 persons had been turned adrift since the commencement of the present year. He had a letter from Dr. Brown, the Catholic bishop of the diocese in which the occurrence took place, stating that upon the property of the late Major Mahon 600 families or 3,000 persons had been turned out upon the world. In Castlebar, in Ballinrobe, in Carrick-on-Shannon, similar evictions had taken place; and how could they expect that the consequences would not be disturbance and discontent? Let the House remember that a similar system of proceeding prevailed over a large extent of country. Was it to be wondered at, then, that the small farmers, who were every moment afraid of being turned out of their land, and left to die in the ditches, should be ready to join any movement which promised a chance of amelioration of their condition? When such clearances and depopulations were attempted in England centuries back, the same results were produced which had taken place in Ireland; but depopulation of districts was against the common law of England, and landlords had been tried and punished for it. There was no surplus population in Ireland; but on the contrary, if every agricultural family got twenty acres of waste land, allowing eight for cultivation, and twelve for other purposes, they would repay the cost of so locating them in a very short time. The Government ought to apply extraordinary powers, if necessary, to enforce this cultivation of the waste lands, and their motto ought to be in such a case—

> "Salus populi lex suprema."

If they adopted some course of this description, they would find Ireland, in a very short time, contented and well off.

SIR G. GREY said: As the speech of my noble Friend (Lord J. Russell) has included every topic connected with the question before the House, it will be unnecessary and unjustifiable for me now to occupy much of the time of the House; but it would hardly be considered respectful to the House if the discussion were allowed to close without some other Member of the Government addressing it after the speeches which have been since made. A complaint has been made that the speech of my noble Friend, though mild and conciliatory in its tone, has held out no particular encouragement to Ireland as to those legislative measures in the power of the Government to propose, and of the Parliament to adopt, for the purpose of remedying those evils which unfortunately exist in Ireland. If that complaint were well founded, I must say that, having listened to every speech which has been delivered in the course of the present discussion, I should not be able to feel anything but discouragement in respect to the application of a cure for those evils, when I observe the want of agreement existing among hon. Gentlemen themselves as to the suggestion of any remedy which they think practical. No two Gentlemen have concurred in a remedy, though they all agree in admitting that grievances exist in Ireland; and, while acknowledging the difficulty they themselves experience in agreeing upon the legislative remedy to be adopted, they nevertheless think it the bounden duty of the Parliament and Government to devise the proper remedy. I am not disposed to say that Parliament can do nothing to mitigate the evils in the condition of Ireland; and still less do I think that it is the duty of the Government to look with apathy—as the hon. Member for Middlesex has unjustly accused the present Government of doing—at the existence of those evils without attempting a remedy. I will recall the attention of the House to the circumstances which followed the present Government's accession to office; and I ask whether the social condition of Ireland was neglected by the Government or the Parliament in 1846 and 1847? Immediately after the present Government assumed office, the disease in the potatoes—unfortunately the main staff of life in Ireland—accompanied by a deficient harvest in Europe, brought on the calamity of death in a most aggravated form, which pressed with unequal severity on Ireland, reducing the population of that country to the border of starvation, and in many cases to actual starvation. Symptoms of the coming calamity had previously appeared, and the Government had asked for and obtained measures calculated to avert it, or to mitigate its severity. It fell on Ireland in the winter of 1846 and 1847; and I must remind the hon. Gentleman that day after day, and week after week, the attention of Parliament was occupied with the affairs of Ireland; and the Government would have neglected the duty which then devolved on them, if, instead of attempting to mitigate the distress in Ireland, they had brought in Bills with respect to the Irish Church, or any political grievance in that country. The hon. Member for Middlesex has said, that since the accession of the present Government to office, they have sat with folded arms, doing nothing. I do not know in what part of Ireland the hon. Gentleman's property is situated, though I have no doubt the hon. Gentleman discharges his duties as a landlord as every person of good feeling would; but I appeal to others connected with Ireland to say, whether the Government at that time were not fully engaged in directing their honest endeavours, at least, to mitigate the severity of the calamity which pressed on the people? But the hon. Gentleman said, that not only had the Government done nothing to mitigate the evils of Ireland—the great evil then being the famine, which pressed the people down—but that the only measures brought in by them were two Coercion Bills, and the Suspension of the Habeas Corpus Act. Is the hon. Gentleman prepared to stand up and deny the necessity of any one of those measures? The hon. Member for Longford has handsomely borne his testimony to the result of the first of those measures in his county, which, being one of the first places coming under the operation of the Act, and having been before in a most disturbed state, has been restored to tranquillity. That first Act which passed was eminently successful for its purpose; and those dastardly assassinations which were the justification of the measure, have since, with one or two exceptions, actually ceased. Then, with respect to the other two Acts, which received the assent of the immense majority of this House, the hon. Gentleman will remember that the French Revolution in February last gave an impulse to feeling in Ireland which deranged the whole state of society in that country. The present state of Ireland is not the result of ordinary causes; and, with respect to the recent suspension of the Habeas Corpus Act, the hon. Gentleman only a week ago stated, in a manly and honourable way, that he at first thought of abstaining from the discussion, and absenting himself from the House, but that on reflection he determined to act the more open part of avowing the necessity of the measure, and of supporting the Bill by his speech and vote. What right, then, has the hon. Gentleman to taunt the Government with bringing forward that measure, when he himself has acknowledged its necessity for the maintenance of order and law, and for the protection of the lives and property of the loyal subjects of the Crown? It is, then, no reproach to the Government that they have brought forward that measure, postponing to a future period the consideration of other measures, which in more ordinary times would have received the early and special notice of the House. But the hon. Gentleman has not confined his remarks to the present Government, but has said that in 1803 the Habeas Corpus Act was suspended, and that in 1848 the same circumstance occurred again; and he has treated the interval as one dreary blank, as if no legislation in respect to the interests of Ireland had taken place during that space. Now, I feel it to be unnecessary to weary the House by adverting to the many Acts which have passed affecting the interests of the great body of the inhabitants of Ireland since 1803. Let the hon. Gentleman contrast the state of the Statute-book as to the penal laws respecting the Roman Catholics in 1803 with its state now. Has the hon. Gentleman overlooked the struggles carried on in Parliament for years until 1829, when Catholic Emancipation passed, by virtue of which political equality was given to all the inhabitants of Ireland? I will not go into a history of all the measures carried, but will say, that the hon. Gentleman is wrong in conveying the idea that, from 1803 to 1848, Ireland and its interests have been neglected by the Legislature, and that no Acts deeply affecting the prosperity and welfare of that country have passed during that period. On the contrary, many measures of that nature have been carried; and, though I will not advert to other measures relating to municipal corporations, and to the extension of the franchise, because I am not prepared to deny that much remains to be done, yet I am prepared to deny that this is the moment when under existing circumstances, those questions can be beneficially and advantageously considered. I listened with expectation to the hon. Gentleman's speech the other evening, because he had told the House that, whatever might be the case with others, in his case, at all events, there should be no ground of complaint for his not bringing forward some tangible and definite scheme for the cure of the evils of Ireland. We have now had the opportunity of hearing the scheme of the hon. Gentleman; and I think that the House will be of opinion that nothing could be more vague and indefinite. Mainly, the plan of the hon. Gentleman consists in the reconstruction in the first instance, and, as I understand, in the demolition in the result, of the Protestant Church in Ireland; and the hon. Gentleman conceived that that would tend more than anything else to remove the evils of Ireland. I am not prepared to retract any word which I have formerly uttered on this question; and if the hon. Gentleman looks to the speech which I made on the second reading of the Bill with respect to Maynooth in 1845, the last I addressed to this House in reference to this question, he will find that the opinions I then expressed were very much in accordance with those stated by my noble Friend the other evening. I am not prepared to deny, but affirm, that the existence of an exclusive Protestant Church in Ireland (the Protestant Episcopalians being a small minority only of the population) is an anomaly unjustifiable in its origin, and indefensible now. I know no other country in Europe in which the same experiment has been made—in which the same attempt has been carried out; and I am quite prepared to say that the wisdom and policy of the attempt in Ireland must be condemned by its results. I think it an unfortunate circumstance, materially affecting the peace of Ireland, and the efficacy of the Government, that the Roman Catholic clergy are dependent on those sources for their subsistence to which the hon. Member for Middlesex has referred. When, however, the hon. Member quotes from the speech of the noble Lord at the head of the Government, he should do so accurately; and the hon. Gentleman has incorrectly attributed to the noble Lord the unqualified assertion that it would be a crime to moot the question of the Church of Ireland. My noble Friend made no such unqualified assertion, but expressed opinions similar to those I likewise expressed in my speech in reference to the Bill brought in by the Government of the right hon. Baronet the Member for Tamworth in reference to Maynooth. I then stated that I supported the Bill not only because the principle was just on which it was founded, for improving the means of education for the Roman Catholic clergy, but because it involved the first recognition of the Roman Catholic Church in Ireland, and because I had hoped that it would lead to further measures; but I added, that I would not press that or any other Government to bring those measures forward, because I knew the difficulties with which they are surrounded, and felt that Government would not be right in setting this question loose by proposing some plan, unless they saw their way through it—I will not say with a certainty of success, but with some reasonable ground of belief that their proposition would meet with the assent of the people and of Parliament. My noble Friend distinctly stated, strong as is the feeling in England and Scotland on this subject, that that should not deter him from proposing a measure in respect to it, if he thought it would be acceptable to the Roman Catholic clergy and the people of Ireland; the former of whom had, however, as my noble Friend stated last night, raised arguments against the adoption of any such measure. I should be sorry to think that these objections should continue; but I very much agree with the hon. Member for Limerick in believing that the time would come—and he cared not under what Ministry—when public opinion in this country, having altered through longer experience, would enable a well-matured and well-considered plan to be brought forward, and procure for it the sanction of Parliament. I hope the hon. Member is not too sanguine in the expectation that that time is not far distant; I, for one, shall hail its arrival, and, whether in office or out of office, no one will be more ready than myself to concur in any practical plan for the accomplishment of what I believe would be a great benefit to Ireland. In alluding to this Church question, I agree with the hon. Member for Kerry, a Roman Catholic, who differs from the hon. Member for Middlesex, a Protestant, in opinion as to this being the time when it could be advantageously brought forward; and I think that the censure of the hon. Member for Middlesex is not well founded when he blames the Government for not, in 1846 and in 1847, inviting the attention of Parliament to a measure which must have led to acrimonious debates, without effecting a satisfactory settlement of the question. Now, one word with respect to the plan of the hon. Member for Middlesex. That is not an original plan; it is the congregational plan; and he did not allude to the time which it would take to bring it into full operation. I suppose he only meant that it should come into gradual operation. He, however, says that this was not the plan he would propose if he had his way—that he would willingly bring forward a much more complete plan; but he says the time is not ripe for that. The hon. Member, taunting my noble Friend on this question, proposed a plan which it would take half a century to bring into operation; but that is only as a measure in the first instance; and what the hon. Member looked to was the total abolition of every ecclesiastical establishment in Ireland. I am not prepared to agree in that; and I do not believe that the House is prepared to pass a vote of censure on the Government for not proposing, under existing circumstances, a comprehensive measure with respect to the Irish Church to Parliament. The hon. Member's second suggestion was so vague that I may pass it over very lightly. The hon. Member recommended the development of the industrial resources of Ireland; and the only means he pointed to for effecting that object was systematic colonisation. If any definite plan could be proposed, it might be advantageous to England, Scotland, and Ireland that colonisation to a large extent should be carried on; but although the hon. Member said that no man should have reason to complain of his want of definiteness, yet he has not told us how his system of colonisation is to be carried out; by what means and by what funds it is to be supported; what class of persons was to be affected by it; and to what part of the globe it is to be directed. I am not anxious to say anything discouraging of colonisation; but there are practical difficulties connected with it which will not allow the question to be settled in the slight off-hand style of the hon. Member for Middlesex. There is in Canada great objection to Irish emigration at the present moment on account of the class of emigrants. We have seen something of this class in England. They are that class which the landlords in Ireland are very naturally anxious to dispose of; while we and the colonies are anxious to obtain the best. I hope that in any plan suggested by the hon. Member, it will be rendered feasible by the arrangement of all these questions between the mother country and the colonies, and by a due regard for all other considerations. But in reference to having an immediate effect in Ireland, the emigration must be on an extensive scale; while, if carried on according to the plan of the hon. Member, its effect would be slow and gradual, and hardly perceptible at the commencement. I will do justice, however, to the scheme of the hon. Gentleman in one respect—by admitting that it might, by raising the hopes and encouraging the expectations of the people, divert them from the wild schemes which they are disposed to entertain in the absence of any plan of this kind. It should be borne in mind, however, that in the poor-law there are regulations in reference to emigration; but the misfortune is that for a cure of all evils Parliament is looked to; and no sooner is one enactment passed than it is forgotten, and Parliament is applied to again for some new measure. The hon. Member for Middlesex, accusing the Government and Parliament of inaction, proposed, in addition to the abolition of the Irish Church and systematic colonisation, that there should be a modification of the Union, and that a Session of Parliament should occasionally be held in Dublin. This, however, I apprehend, might be done by Royal prerogative; and, therefore, in respect to that measure, the hon. Member has no ground for accusing the Parliament of inaction. The hon. Member also proposed that this House should address Her Majesty, praying Her in person to visit Ireland annually. I am not prepared to deny that the presence of Her Majesty occasionally in Ireland might have a beneficial and desirable effect; but in the present state of Ireland I question whether the House would not say that the Government is pardonable for not advising Her Majesty to go to Ireland, and attempt by Her mere presence in one or two parts to put down armed rebellion. However, a visit to Ireland by the Queen could take place without any legislative proceeding; and therefore the attack of the hon. Member on the Legislature for inaction is, in this respect, altogether ill-founded. The hon. Member also proposed that there should be a Secretary of State, to whom the government of Ireland should be confided—that the office of Lord Lieutenant should be abolished, and everything transferred to this country. [Mr. OSBORNE: No!] Then, if this new Secretary of State were to reside in Ireland, he would be only another Lord Lieutenant with a new designation. [Mr. OSBORNE: Lord Morpeth was in the Cabinet, and Secretary for Ireland.] I am not prepared to say that some regulation of that kind might not be beneficial. But to suppose that the mere substitution of a Secretary of State for Ireland for the Lord Lieutenant, would appease Ireland, and that instant calm and tranquillity would arise in that country, is an idea for which I think no other Gentleman but the hon. Member for Middlesex would have made himself responsible. I have now come to the end of the panaceas recommended by that hon. Gentleman. I do not want to enter into any crimination or recrimination. I should be very sorry to follow the example of the hon. Gentleman, and to discuss this question in a party spirit. I do not wish to avoid my share in any censure that may be cast upon the Government. I have stated fairly the reasons which prevented them from bringing forward measures with regard to Ireland, which, under ordinary circumstances they might have felt it their duty to propose. Those reasons may be satisfactory to the House. Probably they will not be satisfactory to all hon. Members; but I think the House generally will agree with the observations of the hon. Member for Longford (Major Blackall), who said that, looking at the course of the debate in this House, he considered that the Government had been hardly dealt with in having the whole blame thrown upon them. The hon. Member for Kerry has alluded to the subject of waste lands, and has stated that this is one of the important questions upon which a measure was brought in by the Government and abandoned; and the hon. Gentleman expressed his conviction that such a measure would go far to remedy some of the social evils of Ireland. I think, however, that that Gentleman has inadvertently given evidence of the difficulty which attends any attempt to deal with questions connected either with waste lands or landlord and tenant rights. He has said that, on looking back to the records of Parliament, the eye is lost in a vista of commissions and committees on these subjects, all recommending that something should be done. The hon. Gentleman has alluded to the Bills on this subject brought in by successive Governments; and I think we may infer from that fact—not that the question is so free from difficulty that it might easily have been settled—but that it is encompassed by peculiar difficulties, which render it a subject of no ordinary embarrassment. The hon. Member for Stroud (Mr. P. Scrope) has spoken at some length upon this subject of landlord and tenant right, and referred us to the Commission of Lord Devon, as if that Commission had recommended the same scheme as he himself proposes—that, irrespective of any agreement between the tenant and the landlord, the tenant—no matter what may be the conditions of his tenancy, or how he may have broken them—shall not be evicted from his holding till he has received full compensation for every improvement he has made upon the land during his tenancy. Now, Lord Devon's Commission made no such recommendation. The Bill now before the House, and which has been considered by a Select Committee, went beyond the recommendations of Lord Devon's Commission. That Bill, I know, underwent the most careful investigation before the Select Committee; and I do not agree with the hon. Member for Kerry in thinking that the labours of that Committee have been thrown away. I believe that it would have been impossible, in the absence of many hon. Members, to secure due and full consideration to the details of that measure; but I have no doubt that great benefit will be derived from the care and attention bestowed upon the Bill by the Committee, and from the amendments they suggested; and I trust there is now some hope of introducing a measure which may meet the sanction of Parliament. I believe, that it would be impossible, with any regard for the rights of property, or for the interests of the tenants themselves, to adopt the principle contended for by the hon. Member for Stroud. It is true, as has been stated, that the Government did bring in a Bill on the subject of waste lands. They proposed to appropriate a sum of 500,000*l.* as the basis of that measure. The hon. Member for Kerry says that that scheme was altogether abandoned, and that no substitute for it was proposed by the Government. My noble Friend reminded him that the sum of 500,000*l.*, which it was proposed to appropriate under that Bill, was transferred, in addition to 1,000,000*l.* provided under another Bill, to the purposes of land improvements, and, therefore, to the employment of the people in the improvement of that land. Therefore, whatever blame may attach to the Government, the Irish proprietors cannot complain that they lost the means of employing the people upon their estates by the withdrawal of the Waste Lands Bill, because the 500,000*l.* which was to have been appropriated under that Bill was appropriated under another measure. With regard to those waste lands, however, I must say that the experience the Government have had with regard to the administration of a large system of public works, has not been such as to induce them to take upon themselves the management of a wide and extensive scheme for the reclamation of waste lands. The hon. Member for Roscommon (Mr. F. French) tried his hand upon this subject during the present Session. He submitted a Bill to this House; and I believe that no Irish Member gave a very cordial assent to the principle of the Bill, and that there was not one prepared to defend the machinery by which the hon. Gentleman proposed to carry out his plan. But this case affords another illustration of the remark made the other day by the hon. Member for Shropshire as to persons overlooking Acts of Parliament. There is an Act of Parliament in existence which gives persons very large powers with regard to the reclamation of waste lands; and that Act is admitted by all to be a dead letter. I cannot help doubting the statements which are made as to the large and certain returns the Government might obtain by undertaking an extensive scheme for the reclamation of waste lands. I believe, if that impression was well founded, that capital would long since have found its way into this channel through the machinery of the Act to which I have just referred. If that Act is inoperative in consequence of some defect in its machinery, it is only necessary to bring the subject under the consideration of the Legislature, and any difficulty would, no doubt, be speedily removed. The Farmers' Estate Society Bill, which was under the consideration of this House last night, is sufficient to prove that there is no disinclination on the part of the Government or of the House to consider and sanction any measure which they may think likely to have a beneficial effect with regard to improvement of land in Ireland. It is the opinion of the Lord Lieutenant and of many Irish Gentlemen that that Bill is likely to lead to the employment of the people upon the cultivation of the land. There are, therefore, two measures—one an Act of Parliament, and the other a Bill now before this House, and which I hope will receive the sanction of Parliament—which hold out the prospect of accomplishing the object at which the hon. Member for Stroud aims much more effectually, and in a much less objectionable manner, than could have been done under his Bill. I believe, with the hon. Member for Stroud, that many of the evils under which Ireland suffers arise from questions respecting land, and from the existing relations between landlord and tenant. But I also agree with the hon. Member for Middlesex (Mr. Osborne) and other hon. Gentlemen, in the opinion that many of those evils—and I think this is one of them—are to be met, not so much by legislation, as by the determination of the parties themselves, each in their respective stations, to consult their own interests by the conscientious and enlightened discharge of their duty; and I believe it is to such a discharge of their duty, by all persons acting upon the present law, that we must look for the social improvement of Ireland. With regard to the eviction of tenants, to which allusion has been made, I deplore most deeply the extent to which that system has been carried; though here again I must also say that I think the Legislature have gone as far as they can well go in providing a remedy for any harshness or cruelty which may be exercised in carrying into effect the powers which exist by law. What remedy the hon. Member for Stroud proposed to apply to this evil I certainly could not discover. He referred to a Landlord and Tenant Bill; but I do not think any Bill which did not go the full length of transferring property from landlord to tenant could entirely prevent the practices to which he has alluded. A Bill which will place great restriction on the powers possessed by landlords was, however, sent up from this to the other House of Parliament, and has been returned from the other House with Amendments, the most important of which have been disagreed to by this House. The hon. Gentleman has truly stated that there are many landlords in Ireland who do exercise their powers with great mildness and forbearance; but I think it is undoubtedly the duty of Parliament to place restrictions upon the undue and harsh exercise of those powers. The hon. Gentleman, however, has not made any proposition on this subject on which the sense of the House could be taken; but he has said that a good Landlord and Tenant Bill is the only measure that would supply a satisfactory remedy for these evictions. Now, I ask whether, carrying out the legitimate principle of compensation for improvements, the hon. Gentleman believes that, in the cases he has mentioned, any substantial improvements had been effected; or whether anything had been done by the tenants of those holdings for which it was likely they would have obtained compensation under any Bill that might be sanctioned by Parliament. I do not deny that there is a moral obligation on the landlord not to turn people out without either shelter or food, to starve and die in ditches and under hedges. It is with a view of preventing such occurrences that we have framed the Bill to which I have before referred, which has received the sanction of this House; and I am not prepared to say that circumstances might not render it necessary to carry the principle still further. The hon. Gentleman, in alluding to the land of Ireland, has quoted the maxim that "land is life." I am ready to admit that, in one sense, land is life; but I am not prepared to admit the truth of the maxim to this extent, that the mere possession of land is life. To those employed in the cultivation of the land, receiving weekly wages, and therefore living from that land, the land is their life; but it is the bane of Ireland, that if a labourer gets possession of a quarter of an acre of land, he does not perform that labour by which the land becomes legitimately life; he plants his potatoes, he looks on in idleness till they are ripe, and if by a visitation of Providence the crop is destroyed, he is utterly destitute. I am not an advocate for throwing the small farms of Ireland into large ones; but the maintenance of the present division of land in Ireland is one of the most fruitful sources of evil, and it would be well if persons of capital would take larger farms in that country, and employ the poor at reasonable wages in cultivating the land. The labourers might have—as they have in some parts of England—their cottage gardens and allotments of land, on which potatoes and other vegetables might be grown; but the exclusive dependence upon the produce of small plots of ground has occasioned a great portion of that distress under which the people of Ireland have suffered. I think, therefore, that the sooner that system is brought to an end the better, and a system substituted for it more analogous to that which exists in this country. I will not occupy the attention of the House further by entering into the general questions which have been discussed in the course of this debate. I beg to express, on the part of the Government, their earnest desire, both in their executive capacity and as Members of the Legislature, to carry out such measures as may be most conducive to the peace, the happiness, and the prosperity of Ireland; and I may observe that I should hail with much satisfaction the greater union of feeling on the part of Irish Members in furthering such measures, and in doing in their own country what I think they might do to great extent—applying a remedy to those social evils which there exist. One word with reference to the state of the potato crop. Although, no doubt, there is cause for alarm on this subject, I am happy to state that the latest accounts I have seen from Ireland are of a much more encouraging character than those which were received a few days ago. It is impossible to speak with confidence, after the experience of the last two years. I hope there will be no panic, nor any feeling of despair as to the crop, in consequence of what has fallen from hon. Gentlemen in this House; because, as I have said, the latest accounts I have received from the unions in Ireland are of a much more satisfactory character than those of the last few days. Even where the disease has been most extensive, some check has been opposed to it; and it is the opinion of many Gentlemen that there is reason for hope, if not for expectation, that the greater part of the present crop may be saved, and that we need not fear the horrors of famine in Ireland.

COLONEL DUNNE observed, that in the course of the debate many hon. Gentlemen had referred to measures which, in their opinion, would be advantageous to Ireland; but the question was whether, under existing circumstances, they should endeavour to force the Government to bring such measures forward. He conceived that, although many of those measures were undoubtedly of great importance, it would be impossible, if they were submitted to Parliament at this late period of the Session, to give them the full consideration which their importance demanded. But the Home Secretary had accused the Irish Members of want of unanimity: that was not a sufficient reason for not introducing a remedy for an evil. Was there unanimity in Parliament upon the Jewish Disabilities Bill, or the Navigation Laws? Assenting, however, to the spirit of the Amendment, he (Colonel Dunne) could not consent to press upon the Government at this moment the consideration of all the Irish measures that had been suggested. But the poor-law certainly ought to have their attention without delay, with a view to make it just and efficient, especially as there were threatening symptoms of a potato failure. Were not Irish Members unanimous in desiring that this law should be reconsidered and modified? The evictions never occurred to such an extent before the poor-law; in several places it forced them upon landlords. With regard to the present excited state of the people, approaching, indeed, to rebellion, it had its origin in visionary schemes proposed to a distressed population. The persons who were leading them were utterly incapable and unfit for heading such a movement; but the Government had done wisely in arming themselves with the power of locking them up and preventing them from doing mischief to themselves and others.

MR. R. M. FOX read a letter which he had received that morning with regard to the condition of the county he represented (Longford), a letter written by a gentleman who was agent for property of great extent, a magistrate for three counties, and a practical agriculturist. The letter stated—

> "Your fears about the potato failure are groundless; there is a partial blight, but nothing more. We are very quiet here; I do not think the people were ever less disposed to riot than at present."

The Home Secretary had challenged the Irish Members to propose some substantial remedial measure; he would suggest the employment of the people in improving the arterial drainage of the country; and he would state how the necessary funds might be procured from an Irish source. There were in Ireland quitrents and other rents of Crown lands amounting to upwards of 50,000*l.* a year; the expense of collection and management was very great; but if the lands were sold, it was calculated that they would produce 1,250,000*l.*, and that sum could be lent at 5 per cent on the best landed security under the Drainage Acts, and would return a larger income than at present. He did not believe the Irish Church to be a grievance at all; he believed that the benefit the country derived from it was far greater than any injury attributed to it.

That had been especially found during the late distress and famine; where the Protestant clergy resided upon their benefices very great advantage was conferred by their presence; they were charitable very often to the full extent their income would permit. They had also aided the practical agricultural instructors, and introduced them among the people. As to the payment of the Roman Catholic clergy by the State, if they themselves did not wish it, he should object to compelling them to take an annual stipend, as being for their benefit, when the real object was to take away their political influence over their flocks. He, however, should be glad to see the priests without political influence, provided it were restored to its proper depository; and if absentees would return and live in Ireland, they would find the priesthood not anxious to usurp their political influence. In conclusion, he begged leave, as a liberal representative of an Irish constituency, to deny that the Established Church in Ireland was the aggravated nuisance which it was by some represented to be.

Mr. CLEMENTS condemned the course uniformly taken by the hon. Member for Stroud in dealing with Irish questions. That hon. Member could understand little of the state of Ireland if he imagined that the remarks in which he had that day indulged were not calculated to produce the greatest excitement in that unfortunate country. When Ireland was on the brink of an insurrection, was it to be endured that the hon. Member for Stroud should hold up the Irish landlords to the execration of the populace? No man in that House had done more mischief to Ireland than the hon. Member for Stroud. The hon. Member had done all in his power to set man against man in that unfortunate country. As regarded the question before the House, he deeply regretted that the speech of the noble Lord at the head of the Government was not calculated to allay the feelings of disappointment which prevailed in Ireland, on account of the non-adoption of any remedial measures with respect to that country. He had hoped that the noble Lord would have held out a far different prospect for next Session; and so strong was his feeling of disapprobation at the noble Lord's statement, that if a division had taken place last night, he would have voted for the Motion of the hon. Member for Rochdale; on consideration, however, looking to the critical state of Ireland, and the necessity for supporting the Executive at the present moment, he had resolved not to take that course.

Sir D. NORREYS was not surprised that the hon. Member for Stroud had quoted from the *Felon* paper, for he had made himself the lion's mouth for the reception of all kinds of slander and obloquy against the Irish landlords. A large portion of the evictions which took place in Ireland were attributable to the existing poor-law; and such scenes must continue until the area of taxation should be enlarged. For his part, he did not much approve of the vampire practice of disinterring speeches and feeding on them; but he must say that the noble Lord ought not to have forgotten the sentiments which he uttered as lately as 1844, in every one of which he concurred. The noble Lord spoke well; but what had he done? He was much disappointed with the speech of the noble Lord, and thought that the speech of the right hon. Gentleman the Home Secretary held out more hope of a settlement of the Church question. Without some settlement of that question, no other measures would be of any effect. His hon. Friend the Member for Longford mistook what he (Sir D. Norreys) meant by such a settlement. He did not mean the taking away of the Protestant Church, but putting the Catholic Church on an equal footing with it. That was one of the great questions of Ireland, and another was the providing of employment for the people. The latter might be much relieved by legislation, and the removal of the restraints on the investment of capital in Ireland; and to attain that end he would recommend the noble Lord to give every facility for the free use of land, and the sale of the estates of absentees, which were now tied up by the trusts of family settlements. To carry out that object, the noble Lord might have a tribunal in Ireland, such as a commission, or in some other form, for the purpose of adjusting individual rights. Was the noble Lord aware, that in some districts of the country 41 per cent of the population were now receiving outdoor relief? The burden of the rates was also so unequally distributed between neighbouring unions as to constitute a very serious grievance. The same inequality prevailed between electoral divisions of the same union. He thought the abandonment of so many Ministerial measures, during the present Session, was to be attributed to the want of decision in the noble Lord the First

Minister, and regretted that he should leave to others the development of his principles in practical measures.

SIR W. SOMERVILLE would first allude to the Landlord and Tenant Bill, on which the hon. Member for Rochdale had dwelt. The hon. Member had quoted the proceedings of a meeting held in the north of Ireland, in which the Ministerial measure was described as a robbery and deprivation of property; but he thought, on further consideration, the hon. Member would see that it did not deserve that description, or that it would deprive any portion of the population of their rights. He said, that you could not take a custom which had long existed in Ulster, and transfer it to any other part of Ireland without practically working the greatest injustice. He did not agree in the opinion that this measure lay at the root of the social relations between landlord and tenant, or that these were the principal cause of the dissatisfaction existing in Ireland. He thought the principal cause of this was less the relation between the landlord and tenant, than that between the tenant and labourer; the hardships to which the latter was exposed, formed one of the principal evils with which they had to deal. A letter, contained in the Appendix to the Report of 1845, strongly illustrated the evils of the prevailing system. On the estate therein alluded to, there were 1,064 tenants, holding farms averaging ten acres, with 886 cottier families, occupying 536 acres of land, for which they paid 2,185*l.*, one-fifth of the annual rent. In another case the rent exacted by the tenant of the cottier, was 5*l.* 4*s.* 5*d.* per acre. There were instances in which these poor creatures paid as much as 12*l.* per acre to the tenant occupying under the landlord. This was the tenant-right; and he maintained that the great evil was in the miserable situation of the labouring population, and the relations subsisting between them and the farmers. He thought this one of the first subjects that ought to engage the attention of Parliament, with the view of finding a remedy for those monstrous evils. With regard to the poor-law, he did not think it perfection. There were many details, no doubt, which required alteration; but Parliament would be better able to decide after learning the opinion of those entrusted with the administration of the law. He hoped the Members from Ireland would hold to that poor-law as the foundation on which the future superstructure of Irish society must rest. The great fault with which their past legislation was chargeable, in his view, was the neglect of the poor. He admitted that the abandonment of so many Ministerial measures was a subject of regret; but under the pressure of famine, and more recently the prospect of an anticipated outbreak, Government had been reduced to take the course they had done. The Act for the repression of crime, passed in the early part of the Session, had been described as a total failure; the best answer to that might be found in the reports of outrages in Ireland. He found that in December, 1847, the outrages reported to the police in Dublin were 2,162; in June they were only 1,188. In opposition to the remark of the hon. Member for Cork, he would maintain that the Roman Catholics of Ireland had their fair share of official promotions; he might refer to such examples as those of Messrs. Redington, Monahan, and Baldwin. It was not a fair charge to bring against the Government of Ireland, then, to say that the Roman Catholics had been unfairly overlooked. Another question of great importance had been alluded to, that of the Irish Ecclesiastical Establishment. He agreed with all that his right hon. Friend the Home Secretary had said as to the urgency of the subject, and the difficulties of undertaking it; and he would say, that when it was undertaken, the object should be, not to demolish, but to construct; not to irritate one class and favour another; but to put both on a footing of equality—that no heart-burnings or jealousies should be allowed to exist from the participation of one class in privileges denied to another. Whenever that measure was undertaken, it should be undertaken in a confiding spirit, without restrictions or bargainings; whatever was right should be done; and if Parliament determined to act in this spirit, they would do more to lay the foundation of peace, happiness, and tranquillity in Ireland than they could effect by any other measure which it was in the power of Government to propose. He could not avoid observing that he thought it a disgrace to the press of Ireland, and almost derogatory to the national character of his countrymen, that the noble Lord at the head of the Government of Ireland should be assailed in the way he had been. He had had the honour of serving under that noble Lord, and he could say that there never was an individual more devoted to the task he had undertaken, and more desirous of promoting the happiness and prosperity of Ireland. Every faculty of his heart was devoted to promoting the social happiness of that country; and it was disgraceful that under the viceroyalty of such a man—so liberal and so devoted—they should see Ireland torn by the designs of wicked men, and her exciteable population roused almost to the verge of madness. His hon. Friend might depend on it that he was not mistaken in the character of Lord Clarendon: those who had excited the population must be punished, and would be punished; nothing but what was just and humane would be done by Lord Clarendon. He should feel it his duty to give his vote against the Motion of the hon. Member for Rochdale if pressed to a division; but he hoped that in the circumstances in which they were now placed, the hon. Gentleman would see fit to withdraw it.

Mr. F. O'CONNOR could not better illustrate the position of the Irish landlords in relation to the Government than by relating an anecdote of a Catholic priest, who once on a time lived in the county Kildare, and was supposed to be endowed with supernatural powers. One day a deputation of his parishioners waited on him, to beg that he would exert his miraculous influence on the atmosphere. One of the parishioners implored of him to procure fine weather, another entreated for rain, a third supplicated for great heat, and a fourth importuned him for cold. "Go home, my good people," he said to them at last; "go home; and when you have agreed amongst yourselves what weather to ask for, I will give it to you; but it is impossible for me to give you all kinds of weather at once." Just similar was the position of the Irish landlords with respect to the Government. They all suggested different remedies, and sought from the Government different favours; but they entirely overlooked the fact, that the miseries of Ireland were in a great degree to be attributed to their own systematic non-performance of their duty. He was not, however, of those who thought that the landlords alone were open to censure. The middlemen were the curse of Ireland. The farmer oppressed the labourer even more than the landlord oppressed the farmer. For one tyrant in broadcloth there could be found in Ireland twenty tyrants in frieze. Nevertheless, of all classes in Ireland, the landlord class was the most in fault; for if they performed their duty honestly by the tenant, the tenant would have no excuse, nor any precedent for maltreating those to whom he sublet. It had been placed on solemn record by the Devon Commission that the Irish were, of all the European populations, the worst clad, the worst fed, and the worst housed. That fact spoke trumpet-tongued against the Union. It was idle for the noble Lord the First Minister of the Crown to fling back the reproach in the face of the Irish people by reminding them that they were quite as badly off before the Union; for, even though the fact were so, it should not be forgotten that the present was an age of progress all the world over, and that the country which, in such an age, merely stood still, was to be classed with those who retrograded. Government ought to compel the landlords to do their duty. He should vote in favour of the Motion.

Mr. NEWDEGATE felt himself called upon to make some reference to the manner in which various hon. Members had proposed to deal with the Church Establishment in Ireland. The hon. Member for Middlesex (Mr. Osborne) had spoken of that Establishment as of a nuisance, and had declared his willingness to go to the hustings on the question of its abolition. He was one of that hon. Member's constituents, and he thought he might venture to predict that the hon. Member would find that a very troublesome question if he persevered in his intention. [Mr. Osborne: You did not vote for me.] He (Mr. Newdegate) never had hitherto opposed the return of the hon. Member. For one, he felt it to be his duty solemnly and emphatically to protest against the language which had been used with reference to the Irish Church by the Members of Her Majesty's Government in the course of that debate. The right hon. Gentleman the Secretary for the Home Department was cautious and circumspect in his selection of language when speaking on this question; but nevertheless it was quite evident that what he meant and intended was to deal with the Irish Church. Such was the right hon. Baronet's expression. [Sir G. Grey concurred with the hon. Member for Limerick (Mr. Monsell), in hoping that the day was not distant when it might be possible to propose some measure which would put an end to the evil of having the clergy of the great majority of the people depending for their maintenance on sources such as those to which the hon. Member for Middlesex referred.] Although the Members of Her Majesty's

Government might choose to treat the Church of Ireland as the great grievance of Ireland, there were independent Irish Members in that House, even of the Roman Catholic persuasion, who regarded it in a totally different light. The hon. Member for Longford had acknowledged the utility of the Irish Church, and paid a just tribute of praise to the piety, learning, and acquirements of the Irish clergy, whose conduct during the severe trials to which they had been exposed, formed an example well worthy the imitation of some of those who were now foremost in denouncing the Church of Ireland, and her clergy, as a nuisance. The hon. Member for Youghal, who was, as every one knew, an ardent Roman Catholic, spoke in a similar strain, and declared that he did not believe that the Irish Church was regarded as a grievance even by the Catholics of Ireland. Let it go forth to the world that Irish Members had so spoken of it, and that when an English Member got up to defend the Church of Ireland from the attack of another English Member, that a certain party in the House endeavoured to put him down by the force of clamour. The Church was the keystone of that arch which united the two countries—remove it, and it were scarcely possible to conjecture the results: you would make repealers where you least look for such opinions. If that stone fall upon any Government it will crush them to powder. Why should any Member of that House, be he Minister or not, presume to speak of the Irish Church as the upas tree of the country? It was a blessing to Ireland; and it had the strongest claims on the reverential regard of the great majority of the English people; for it was part and parcel of the same Church of England—united with her, not only by the legislative Union, but by identity of doctrine and of faith. To the majority of the English people he was content to leave the issue.

LORD JOHN RUSSELL: I fear that the hon. Member has mistaken the Members of the Government, and me in particular, on a point on which it is very desirable that we should not be misunderstood. He says that the Members of the Government have represented the Irish Established Church as a grievance, and went on to represent that we had even attacked the conduct of the clergy of that Church. [MR. NEWDEGATE: No, I did not say so.] Well, I am happy to find that I misunderstood the hon. Member. With respect to the conduct of the clergy, I have only to offer unaffectedly the tribute of my admiration to their virtues and acquirements. Nor did I ever say that I looked upon the Established Church as a grievance. What I said was, that I thought the endowment of the clergy of the minority of the people, while there was no endowment for the clergy of the majority, was a great subject of complaint amongst the people of Ireland. To this sentiment I have repeatedly given utterance, and I adhere to it now as firmly as ever.

MR. REYNOLDS wished to correct an error into which the hon. Member for the county of Warwick had fallen. That Gentleman had talked of the hon. Member for Longford (Mr. R. M. Fox) as though he were a Catholic Member, and quoted from him accordingly. It was right, however, that the hon. Member for Warwick should know that the hon. Member for Longford, so far from being an orthodox Catholic, was a highly orthodox Protestant. The hon. Member had referred to another Irish Member, who was not an Irishman at all—the hon. and learned Member for Youghal (Mr. Anstey.) It was true that that hon. and learned Gentleman was a Catholic, but he knew very little indeed about the feelings of Catholics in Ireland. He was a convert. He had very recently renounced what he now called the errors of the Established Church; but whether his conversion to the Church in which he (Mr. Reynolds) had the blessing of being born, was or was not an acquisition to that Church, was a question which he would not undertake to decide. It had often been said that that House was ignorant of the real state of Ireland. He had always known it to be true; but he never could have supposed that it could be true in so wholesale a sense as that that House could for one moment seriously believe that the Irish people did not regard the Church Establishment as a grievance. If they were to believe the hon. and learned Member for Youghal, indeed, they would find it no difficult matter to suppose that the Irish regarded it as a national blessing. But he denied that the hon. and learned Gentleman was a faithful interpreter of the Irish people on the question. If the Irish people should ever bring themselves to regard the Church Establishment otherwise than as a grievance and an injustice, there would be but little chance of that prediction being realised which had been uttered some years ago by his immortal fellow-countryman, Tom Moore :—

> " As long as Ireland shall pretend,
> Like sugar-loaf turned upside down,
> To stand upon the sharper end,
> So long shall live great Rock's renown ;
> As long as Popish spade and scythe
> Shall dig and cut the Sassenach's tithe,
> And Popish purses pay the tolls
> On heaven's road for Sassenach's souls ;
> As long as millions shall kneel down
> To ask of thousands for their own,
> While thousands proudly turn away
> And to the millions answer, Nay ;
> So long the merry reign shall be
> Of Captain Rock and his family."

He had no ill-will to his Protestant fellow-subjects—not the least; but what he complained of was, that he should be compelled by law to support, for their gratification, an Establishment from which he entirely dissented, and from which he received no benefit. Let them look at the vulgar arithmetic of the argument. The population of Ireland was in round numbers 8,500,000. Of these 7,000,000 were Catholics, 700,000 were in communion with the Church of England, 700,000 were Presbyterians, and 100,000 were Wesleyans, Quakers, and other Dissenters. The clergy of the 7,000,000, who were 4,000 in number, cost the State nothing, being supported by the voluntary contributions of their flocks. The Presbyterians, who in the days of their political purity indignantly rejected aid from the State, now received 36,000*l.* a year in the shape of a *Regium Donum;* and the clergy of the 700,000 Episcopalians enjoyed a revenue of upwards of 700,000*l.* a year, which was derived from a tax levied upon all classes of religionists. Yet the hon. Member opposite was so innocent, which was a soft word in Ireland for ignorant, as to believe that 7,000,000 of Catholics, 700,000 Presbyterians, and 100,000 Wesleyans and Quakers, did not think it a grievance to be compelled to pay for a clergy from whom they entirely dissented. There could be no doubt but that the speech of the hon. and gallant Member for Middlesex (Mr. Osborne) contained many useful suggestions, which might be made the foundation for good legislation, and which he hoped would one day receive the serious consideration of the House. He hoped to see the day when many of those suggestions would be carried out; and, above all, he hoped to see the day when every man in the community would pay his own clergyman as he paid his own doctor. He should vote for the Motion of the hon. Member for Rochdale, not because it would be productive of any practical good just at present, but because it would afford a guarantee to his fellow-countrymen that they should obtain relief, at all events, next Session. It was said that Ireland was on the verge of rebellion. He hoped not; but if it were so, those who had contributed to irritate public feeling in Ireland, were accountable.

Mr. STAFFORD must remark that, whatever charges he had heard made against the hon. Member for Dublin, certainly it was not the charge of giving a factious opposition to Her Majesty's Government; for his conduct since he came into that House had been marked by a most elaborate and studious desire to avoid any such charge. The hon. Gentleman the Member for Dublin had stated, as he (Mr. Stafford) thought very fairly, that his wishes were not hostile to the Church of Ireland, but merely to the temporalities of that Church. But the distinction which the hon. Gentleman drew between the Church of Ireland and what the right hon. Gentleman the Secretary for Ireland called "the Ecclesiastical Establishment of Ireland," was, he (Mr. Stafford) presumed, of such a nature that they had little reason to thank him for saying he entertained no hostility towards it. He could assure the hon. Member that they who belonged to that Church and adhered to its ritual, and believed in its apostolical origin and immortal destiny, were not afraid to stand up in that House to declare that it was stronger than any combination of politicians arrayed against it. It would be found that already there had been two alienations of the property of the Church of Ireland. The first took place when, by the abandonment of the church cess, they fixed the charge for repairs of churches upon the Ecclesiastical Fund. They took that sum from the Church, and gave it to the landowners on whose estates it had been a charge. There was in the next place a commutation of tithes; and by the arrangement, they gave 75 per cent to the Church, but at the same time took 25 per cent and gave it to the landlords. And they had this year under discussion the question of ministers' money in Ireland, which was said to amount to about 11,000*l.* or 15,000*l.* a year, and he believed 5,000*l.* of it was collected in the city which the hon. and learned Gentleman (Mr. Reynolds) represented— [Mr. Reynolds : 11,000*l.*] 11,000*l.* of which was collected in the city of Dublin. The hon. Gentleman who brought forward the question of ministers' money, having talked, of course, of liberty of conscience—the rights of toleration, and respect for the feelings of others—ended by proposing that this ministers' money should be defrayed out of the ecclesiastical property. If that proposition were acceded to, they would tranfer 15,000*l.* a year to the owners of the property on which it was at present charged, and 11,000*l.* of that would be transferred from the Protestant clergyman to the Roman Catholic—from the Ecclesiastical Establishment to the owners of property in Dublin. He would remind the hon. Gentleman that the position of the Roman Catholic clergy in Ireland was this—they stood pledged by the reiterated declarations of their bishops, and of their advocates in that House, to the voluntary system; and the House had no reason to assume that those rev. gentlemen were insincere. The hon. Gentleman the Member for the city of Limerick (Mr. J. O'Connell) who, was recognised in that House as the organ of the Roman Catholic clergy in Ireland, when the question of religious endowment was raised, stood up in his place, and, with a consistency to be admired, declared again what he had previously affirmed, as to the advocacy of the voluntary principle by the Roman Catholic clergy, and stated that their opinions on the subject were still unchanged. It was true it had been said by some persons that the spirit of disaffection in Ireland would be quieted and removed if the Government paid the priests; but he asked them, independently of other considerations, whether the advocates of the priests could think so meanly of them? He might also add, with reference to this subject, that there were a great number of their fellow-subjects, not the least loyal, not the least peaceable and industrious, who held that on a question of this kind, to add a national endowment to that particular creed would be to commit a great national sin, and call down the judgment of Heaven. With regard to any interference with the Established Church, if he understood Irish Members rightly, they would not hail with any satisfaction the result of an agitation to knock off the expenditure in their country a sum of 700,000*l.* a year; and instead of this grant coming from the Consolidated Fund, and being sent over every year from the Imperial Treasury to Ireland, the result of the agitation would be that 700,000*l.* a year less would be spent in Ireland, the odious Church would be destroyed, and the country would be the poorer.

On the question that the words proposed to be left out stand part of the question, the House divided:—Ayes 100; Noes 24: Majority 76.

List of the AYES.

Adair, R. A. S.
Anson, hon. Col.
Anson, Visct.
Archdall, Capt.
Armstrong, R. B.
Barnard, E. G.
Bellew, R. M.
Benbow, J.
Beresford, W.
Birch, Sir T. B.
Blackall, S. W.
Boldero, H. G.
Buck, L. W.
Buller, Sir J. Y.
Buller, C.
Cabbell, B. B.
Campbell, hon. W. F.
Christy, S.
Clements, hon. C. S.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, W. G.
Cubitt, W.
Dalrymple, Capt.
Davie, Sir H. R. F.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dundas, G.
Dunne, F. P.
Ebrington, Visct.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J.
Forster, M.
Fortescue, C.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Goddard, A. L.
Gore, W. O.
Goulburn, rt. hon. H.
Grace, O. D. J.
Grenfell, C. W.
Grogan, E.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Heywood, J.
Hobhouse, T. B.
Hood, Sir A.
Hotham, Lord
Howard, hon. C. W. G.
Howard, P. H.
Jervis, Sir J.
Lascelles, hon. W. S.
Lemon, Sir. C.
Lennard, T. B.
Lewis, G. C.
Marshall, J. G.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Meux, Sir H.
Milner, W. M. E.
Mitchell, T. A.
Morpeth, Visct.
Morrison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Newdegate, C. N.
Noel, hon. G. J.
Ogle, S. C. H.
Palmerston, Visct.
Parker, J.
Plowden, W. H. C.
Price, Sir R.
Pugh, D.
Ricardo, O.
Rich, H.
Rutherfurd, A.
Sandars, J.
Seymer, H. K.
Sheil, rt. hon. R. L.
Smith, J. A.
Somerville,rt.hon.SirW.
Stafford, A.
Thornely, T.
Vane, Lord H.
Verner, Sir W.
Vesey, hon. T.
Vyse, R. H. R. H.
Ward, H. G.
Watkins, Col.
Wellesley Lord C.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Alcock, T.
Armstrong, Sir A.
Blake, M. J.
Browne, R. D.
Callaghan, D.
Caulfeild, J. M.
Fagan, W.
Grattan, H.
Greene, J.
Henry, A.
Ker, R.
Kershaw, J.
Monsell, W.
Moore, G. H.
Mowatt, F.
O'Connell, M. J.
Reynolds, J.
Sadlier, J.

Scrope, G. P.
Scully, F.
Tenison, E. K.
Thompson, Col.
Thompson, G.
Williams, J.

TELLERS.
Crawford, S.
Osborne, B.

Main question put, that the Speaker leave the chair to go into Committee of Supply.

Debate adjourned.

POOR LAW UNION CHARGES (No. 2) BILL.

On the Motion of Mr. C. BULLER, the House went into Committee *pro formâ* on this Bill. The right hon. Gentleman stated that his object in moving that the Bill should go into Committee, was, to propose the omission of the clause which had been inserted declaratory of the right of Irish paupers to parochial relief in this country, after an industrial residence of five years. Since the insertion of the clause, he had ascertained that it was unnecessary. [Mr. M. J. O'Connell should object to the clause being struck out.] He regretted exceedingly that it had ever been inserted. Its introduction into the Bill might tend to produce an impression that he had doubts as to the law as it at present stood, whereas, in truth, he did not entertain any; and, he believed, that legal opinions to the effect that you might deny relief to Irish paupers who had been resident in the same parish five years would be found to be exceedingly rare. He believed that all the advantages of the law were as much intended for the Irish poor as for the English poor.

Several hon. Members for Ireland having intimated their intention to oppose the omission of the clause,

The House resumed.

Committee to sit again.

House adjourned at a quarter past Seven.

HOUSE OF LORDS,

Monday, July 31, 1848.

Minutes.] Public Bills.—1ª Bankrupts' Release; Juvenile Offenders (Ireland); Public Works (Ireland) (No. 2); Reproductive Loan Fund Institution (Ireland); Regent's Quadrant Colonnade; Salmon Breed Preservation; Land Tax Commissioners' Names.

Reported.—Administration of Criminal Justice.

3ª and passed:—Highland Roads and Bridges (Scotland); Trustees Relief (Ireland).

Petitions Presented. From the Magistrates of Salford, in favour of the Sale of Beer Regulations Bill.—From the Journeymen Bakers of the Tower Hamlets, for the Suppression of Night Work in Bakehouses.—From the Board of Guardians of the Poor of the Stafford Union, for Repeal of the Law respecting Audit of Union Accounts.

ENFRANCHISEMENT OF COPYHOLDS.

The Bishop of LONDON, referring to the amended Bill for the Enfranchisement of Copyholds, said, that in some cases it afforded a remedy, but in others the remedy was far more severe and summary than the evils it affected to cure. It had also been proposed at so late a period of the Session, that there would not be time for due consideration of its provisions; and, therefore, he suggested to the noble and learned Lord upon the woolsack the expediency of postponing it till another Session. In the mean time he could not avoid remarking that he could not understand why measures of this character, which required so much consideration, were not brought forward at an early period in the Session. He, therefore, wished to ask the noble and learned Lord whether it was his intention to press this Bill in the present Session?

The LORD CHANCELLOR said, it was objected to the first measure on this subject that it did not go far enough; the objection to the present was, it seemed, that it went too far. He could only say, that the alterations had been made in deference to the wishes of the House; and he apprehended, if such were their Lordships' will, there would be no difficulty in the Bill, as altered, passing this Session.

The Bishop of LONDON observed, that others as well as himself were in the predicament of not having had time to consider the alterations that had been made in the measure.

Lord STANLEY said, the measure was considered on the previous discussion objectionable on account of its interference; and he thought that the noble and learned Lord took an unfair advantage of that circumstance with regard to the Bill as it now stood. The noble Lord made some observations on the late period of the Session at which important measures had been introduced.

The LORD CHANCELLOR said, that those parts of the Bill which could be safely postponed would be struck out, and that he should take the opinion of their Lordships whether the other should not be proceeded with.

EVICTED DESTITUTE POOR (IRELAND) BILL.

The Marquess of CLANRICARDE moved the Order of the Day for considering the Commons' reasons for disagreeing to the Lords' Amendments to this Bill. He did not wish to trouble their Lordships with any remarks in submitting the sufficiency of the reasons assigned by the other House of Parliament for the course that they had taken, because it might be necessary for him at a future period to reply to any objections that might be urged to the course which he recommended. The principal point to be considered was, whether it were better to give notice to the relieving officers forty-eight hours before, or twelve hours after the ejectment took place. The other House of Parliament, without a division, and, he believed, unanimously, rejected the Amendment that had been made by their Lordships for not giving the notice until after the eviction took place; and he hoped that, under the circumstances, their Lordships would not persist in their former view; but that they would agree to what might be considered as the unanimous wish of the other House on the matter.

Lord MONTEAGLE said, that the proposition advanced by his noble Friend, that an Amendment which had been agreed to by their Lordships after two nights' discussion, and which had been rejected by the Commons without any discussion at all, should now therefore be abandoned, seemed to him to be extremely objectionable. Before proceeding to notice the Amendment in question, he begged to say, that it was satisfactory to know that all the Amendments he had taken the liberty of moving on a former occasion had been adopted by the Commons, with the exception of this one; and the effect of rejecting this one, according to the judgment of persons well qualified to judge, would be to render the Bill less efficient for its professed purpose than it otherwise would have been. The Bill as originally framed, and as now returned to their Lordships, contained a provision which nothing but his great respect for the House of Commons prevented him from calling the most preposterous that had ever been adopted by a deliberative assembly, namely, that for the purpose of knowing who the persons were that were likely to require relief in consequence of ejectments, the parties ejecting should furnish the relieving officer, not with the names of the persons ejected, but with the names merely of the land from which they were ejected. They required that this information should be given forty-eight hours before the ejectment took place. On the other hand, the House of Lords required that the names of the parties ejected should be furnished within twelve hours after the ejectment; and he was willing to join issue with his noble Friend who had charge of the Bill (the Marquess of Clanricarde), as to which of the plans was best calculated to give practical relief. He contended now, as he had contended before, that the proposition adopted by their Lordships was the one most likely to give practical relief; and that the one requiring the names of the lands to be furnished, would be quite inoperative as regarded the real purpose of the framers of the Bill.

The Marquess of CLANRICARDE said, the real question before them was, whether the notice to the relieving officer should be given forty-eight hours before the ejectment, or within twelve hours after it. Admitting that giving the names of the parties would be better than giving the names of the lands, he still maintained that the idea of giving that information twelve hours after the ejectment to a relieving officer, perhaps twenty or thirty miles distant, with a view to his providing relief for those parties, was utterly absurd. He wished to know how the relieving officer could, at a moment's notice, find conveyances to bring the parties to town, or provide shelter for them where they were? He wished to know how he could in any way properly assist them, unless he were able to make arrangements beforehand? It might be said, that under this clause parties would be compelled to give notice where no ejectment, after all, took place; and why? Because it had been proved in evidence that many landlords and middlemen were in the habit of collecting their rents under a threat of ejectment; but this was a state of things which ought to be put an end to. That was not a relation in which a landlord and tenant should stand to each other. He thought it would be wise and prudent on the part of their Lordships not to insist upon their Amendment, seeing that it had been unanimously rejected by the representatives of the ratepayers, and by the Irish proprietors in the other House.

Lord BEAUMONT said, he thought that the question had not been quite fairly put by his noble Friend who had just sat down. The exact question he believed to be this—whether it was not better for the evicted tenant that the relieving officer should receive the names of the persons dispossessed, and all particulars regarding them twelve hours after the writ was executed, than that the relieving officer should, forty-eight hours before the process took place, receive information merely that such a proceeding would occur on certain lands. He thought that the evicted tenant would be more likely to receive speedy relief in the former case than in the latter; and that the other House of Parliament had made a great mistake in not adopting their Lordships' views.

The MARQUESS of LANSDOWNE could not concur in the opinion expressed by his noble Friend that the arrangement proposed by their Lordships would be more for the advantage of the evicted tenant than the proposition of the other House of Parliament. The interests both of the ratepayers and of the destitute persons themselves, rendered it advisable that notice should be given beforehand to the relieving officer, in order that he might have an opportunity of attending, and ascertaining on the spot the wants and condition of the parties.

LORD MONTEAGLE said, that as he expected the whole question of the Irish poor-law would be brought under their Lordships' consideration next Session, and as they would then have an opportunity of reconsidering this question, he would not at present divide the House upon it.

Amendments disagreed to by the Commons not insisted upon.

Commons' Amendments agreed to.

INCUMBERED ESTATES (IRELAND) BILL.

The LORD CHANCELLOR said, that before moving that the Commons' Amendments to this Bill be considered, he wished to state generally what the nature of these Amendments was. Their Lordships were aware that the Bill, as it left their House, merely provided for the sale of encumbered estates by application to the Court of Chancery in Ireland, either on the part of the owner, or of the encumbrancer. But it had been suggested that the expense and delay of an application to the Court of Chancery might be very great, and might in some cases be avoided with advantage to all parties. He had been himself familiar with the practice of the Court of Chancery for many years past, and he well knew the great benefits which it conferred upon the public; but at the same time he should own that he would not willingly enter that court as a suitor, nor would he advise any friends of his to do so, if they could with propriety keep out of it; and he therefore felt that the attempt of enabling parties to attain their object without undergoing the expense and delay necessarily consequent on an application to that court, was a most desirable one to make. He thought, therefore, that the only difficulty which their Lordships would have to provide against was, to take care that the object sought to be attained by these Amendments could be arrived at with perfect safety by the scheme proposed. The noble and learned Lord then proceeded to detail the nature of the Amendments made by the House of Commons in the Bill, and concluded by moving that their Lordships should agree to their adoption.

LORD STANLEY could not avoid making a few observations on the Motion, although he had no intention of following the Lord Chancellor through his observations upon the Bill and the Amendments. At an early period of the Session, his noble and learned Friend (the Lord Chancellor), after a full discussion and consultation with the other Members of Her Majesty's Government, had brought forward upon their part a measure of a very critical and complicated character—a measure framed for the purpose of dealing with certain interests in Ireland in a manner in which their Lordships would certainly not deal with similar interests in England or Scotland. One of the principles of it was, that under the provisions of the Bill no estate could be sold for a less sum than would be sufficient to cover the amount of the encumbrances, and to cover also the interests of the remainder-man and of minors who were under the care of the Court of Chancery. And he (Lord Stanley) well recollected an expression of the Lord Chancellor, "that those powers asked by the Bill were great and extraordinary powers; and he would not ask for them if they were not to be directed and controlled by the Court of Chancery." He (Lord Stanley) believed there was every wish on the part of their Lordships to facilitate the measure, and to sanction and agree to the principle of it, and to bring it into practical effect as soon as possible, by enabling parties having an interest in encumbered estates, the nominal owners of which were incapable of discharging the duties of a proprietor by reason of their encumbrances, to dispose of their estates, and introduce a class of owners who should be competent to discharge the duties which appertained to the possession of property. No opposition was made to the proposition of the Government. Objections made out of doors and in private were taken into consideration; and after two or three recommitments for the purpose of effecting improvements, the Bill was passed, and sent down to the House of Commons. Her Majesty's Government subsequently became satisfied that they were wrong in their original proposition; and they were unable to carry their object into effect. And unless he (Lord Stanley) was much misinformed, the Bill which had been introduced by the Lord Chancellor as a Government measure, which had been considered and reconsidered by the Government whilst in their Lordships' House, had been, he would not say amended—but altered, in the other House, so as to be now practically a new Bill. Clauses had been introduced to set aside and supersede the very principle proposed by the Lord Chancellor in that House; and they were moved by no adverse party, but by Her Majesty's Solicitor General himself. So that the Bill now before their Lordships was one introduced by the Solicitor General, superseding the Lord Chancellor's, and setting aside those safeguards and defences which the Lord Chancellor had in their House declared to be indispensable. That was a most unsatisfactory mode of legislation to be carried on between the two Houses; because, when the Lord Chancellor introduced a Bill in the early part of the Session in the name of the Government, and when, in the face of that declaration upon the part of the Government, that House passed the measure, it was rather an extraordinary and, he thought, rather an inconvenient course that they should receive the Bill back from the other House wholly altered in its character, and that the noble and learned Lord who had introduced it should himself be the person to propose their Lordships' agreement with those alterations which made it a virtual substitution for the Bill originally proposed by him, and agreed to by their Lordships. The Bill, as originally framed, had been passed in the presence of almost every Irish Peer. Those Irish Peers were now requested to attend elsewhere. He was not using too strong an expression when he said that a rebellion had broken out in Ireland; and it was when nearly every Irish Peer had gone to attend the more pressing duties which awaited them in Ireland—in the absence of these Peers—when there were not more than five or six Irish Peers present—the Bill was sent up to their Lordships. It was brought up on Friday, printed, and delivered to the Members of that House; and on Monday they were called upon to discuss and dispose of at one sitting that which, if it were a new Bill, including as it did no less than twenty-three new clauses, they would have had, at all events, the security of a first reading, a second reading, a Committee, a report, and a third reading—a stage on which to discuss not only the principles but the details of the clauses, and the powers which were proposed to be given by it—changes which involved a new principle; and that, without affording the persons whose estates they might be about to play away an opportunity of remonstrating, or at all events of knowing what was the nature of the alterations. Their Lordships were now called upon to pass a measure fundamentally opposite to that which had been adopted by their Lordships and sent to the Commons, and to pass it with a single vote, and without having an opportunity to communicate with legal persons as regarded the legal effect of technical enactments. Again he said it was a most inconvenient mode of legislation. He did not say that those changes could have been avoided, or that the Solicitor General could or could not have thrown that light upon the subject at first which he had subsequently; but this he would say, that there was not a single Member of either House of Parliament, there was not one lawyer in either House, there was neither a Peer nor a Commoner who could be found to agree to that Bill being carried either for England or Scotland. And yet the English and Scotch Peers, in the absence of the Irish Peers, were about to legislate for them in a manner and upon a principle which confessedly they admitted they would not apply to themselves. He repeated, the Bill was a new one. It contained twenty-three new clauses, and not more than twenty-four of those which had passed their Lordships' House remained unaltered. Under those circumstances he (Lord Stanley) thought it would not be an unreasonable proposition that the Amendments of the Commons should be submitted to a Select Committee to report to their Lordships what were the technical as well as the practical effects of the Amendments made by the House of Commons. There was one portion of the Bill to which he should make a brief allusion: it was that which involved the risk of collusive sales of property. An incumbrancer having an incumbrance of only 200*l.* upon a considerable property, might apply for a sale of it; or a man might buy up a number of small incumbrances on several estates, and so bring a large number of estates at one time into the market, thereby reducing the market price, and so effect collusive sales at the then nominal marketable value. For the value was to be checked by nothing more than the provision that a Government officer should certify that the price paid was the full value of the estate. But how was the value to be ascertained? Why, the real value of an estate in the county Tipperary at the present time would be a difficult matter to judge of. He did not know whether it would be estimated at five years' or at ten years' purchase. He himself had the misfortune to have property there; fortunately it was not encumbered, and therefore it would not be affected by the operation of the Bill. But he should be very sorry to part with it for what a Government officer would certify to be the fair marketable value at the present time. As to the Amendments made by the House of Commons, although he would not then make any distinct Motion, if he saw any wish or disposition on the part of their Lordships to think favourably of that to which he had alluded, he should be ready to move that the Amendments be referred to the consideration of a Select Committee. He considered the original object of the Bill a wise and a judicious one; but for the reasons he had stated he thought that the alterations subsequently made in it required full and mature consideration. The noble Lord moved an Amendment—

"That the said Bill be now referred to a Select Committee to consider of the said Amendments, and to report to the House."

The EARL of WICKLOW felt surprised at the nature of the Amendment proposed by the noble Lord after the statement which he had made. The noble and learned Lord had gone into the history of the measure, and had clearly shown that the Amendments made by the Commons were in conformity with the principle of the Bill as originally introduced. All that was left for them, then, was to say whether or not they would reject this Bill, the principle of which had already received the almost unanimous assent of the House. The Bill certainly had come back from the other House with Amendments; but these had received the sanction of the noble and learned Lord on the woolsack, who had introduced the measure. Therefore, it was clear that he, as well as the Government, entertained the opinion that the Bill had not undergone such a change as essentially to affect it. He believed that any one who would take the trouble to consider the Amendments which had been introduced into the other House would readily be able to understand them without legal assistance. As far as his own opinion was involved, he regarded them as improvements in the Bill. Under these circumstances he did not think that there was any necessity to wait for the attendance of other Irish Peers, for they had already adopted the chief objects of the Bill. If they adopted the suggestion of the noble Lord, it would be equivalent to waiting till the next Session. This, he conceived, would be objectionable, as he believed that this would tend more than any other measure to ameliorate the condition of the country.

LORD MONTEAGLE felt so strongly the necessity of some such remedy as that intended by his noble and learned Friend the Lord Chancellor, that he should be most adverse to resort to any course which would retard it; but the real matter before them was to consider these Amendments, which made this Bill so entirely and essentially different from that which had been sent down from that House, that the noble Lord opposite in describing the change had rather understated his case than otherwise. It should be remembered that it was proposed in the Session before that, that some measure of the kind should be introduced; the Government, therefore, had had the remainder of that year, and the whole of last year, and several months of the present Session, to consider the subject before they brought in the measure; and when it was introduced it was duly considered, and had been sent to the other House with almost the unanimous assent of their Lordships. How, then, was it that these Amendments were not proposed by the Government till the Bill had gone to the other House of Parliament? He asked why they were not admitted before by the Government, for in point of fact some of them were proposed in that House, not to be sure, in their present shape, but in a mitigated form? One, in particular, was proposed by himself, relative to the part which the Court of Chancery was to take in the working of the measure; but his proposal was rejected with all the authority which the noble and learned Lord on the woolsack could exert. He never recollected a Bill which had returned from the other House so essentially changed as the present; and it should be remembered that this Bill involved the interests of a numerous class, as well as an immense amount of property. The proper course would have been, when such extensive changes were resolved upon, to withdraw the present measure, and bring in another, which would then, by the forms of Parliament, have been subjected to the cool and deliberate consideration of their Lordships, instead of the single vote which they were now called upon to give. He objected to their passing the Bill in its present shape without having an opportunity of consulting those most interested in its provisions; and he was favourable to the proposal of the noble Lord for sending it to a Select Committee, because it would afford full time for consideration. Was it just, he would ask, that they should be called upon to pass a Bill such as the present, without having had any opportunity of consulting those persons in Ireland the best able to give a sound opinion on the subject? Under the enactments of this Bill, the property of an Irish landlord might be sold without his consent at the present time, when it could not possibly realise anything like its value, from the state of excitement which existed in that country. With respect to the proposition made by his noble Friend, he would only observe, that all that his noble Friend required was an opportunity of duly considering the Amendments introduced elsewhere, and this was in perfect conformity with good faith, as there was no intention of going beyond the object stated. He confessed that he should like the question postponed until they had had an opportunity of getting the opinion of lawyers and others in Ireland, well able to give opinions on the subject from practical experience. If he believed that his noble Friend opposite by his Amendment meant to reject the Bill, he should not support the proposition; but he felt convinced that such was not the intention of his noble Friend.

The EARL of DEVON said, that he found in the Bill then before the House the most essential clauses, as well as the preamble, of the measure introduced into that House; but alterations and additions of detail had been introduced which they were now called upon to consider. The Bill as it passed that House was described as a measure for facilitating the sale of Encumbered Estates. The same subject which that House had in view was that adopted by the House of Commons; and he thought that they proposed to effect it in a way much less expensive than by resorting to the Court of Chancery, and still in a manner affording equal security as if they resorted to that court. The question then was, as to whether these Amendments were of such a nature as to deserve the animadversions of that House? He thought that they did not. Noble Lords had complained of the number of new clauses introduced; but in cases in which it was not deemed expedient to apply to the Court of Chancery, it was necessary that a great number of provisions should be introduced with reference to the notices which it would be necessary to give, and thus the number of clauses was necessarily increased. It could not, however, be seriously contended that the clauses were of a nature not to be easily comprehended.

The EARL of ELLENBOROUGH felt it to be impossible at that period of the Session, and in the absence of so many Irish Peers, to agree to the proposition now made by the Government. He felt that it was impossible that they could go into these new questions with so little notice, involving as they did so many complicated subjects, in the absence of nearly all of those most deeply interested in the subject, and who were best acquainted with the matter. He believed that the Bill, as sent down to the other House, had been almost unanimously agreed to, with some slight exceptions as introduced by the noble and learned Lord on the woolsack. It was clear, then, that the House was prepared to give every reasonable facility to the sale of encumbered estates in Ireland; but by the Amendments as introduced into the Bill, they were called upon to give every unreasonable facility to the sale of Irish estates. A desire evidently existed to get rid of the present race of Irish landholders. He knew of no body of men who had been subject to greater abuse; they were suffering under the errors of those who preceded them, and notwithstanding the difficulties in which they were placed, and indeed, on the whole, considering existing circumstances, he felt that they had conducted themselves a great deal better than most English landlords would probably have done. He would ask whether there was equal security in the sale of estates without going to Chancery as in doing so? He felt that the new clauses in this Bill did not afford that security which was requisite, and he also felt that at that period of the Session they could not fully examine the changes which it was proposed to make; and yet they were asked to agree to those Amendments without having time to consider whether the securities under which estates were to be sold in terms of those Amendments were as valuable as those which the Bill originally gave. The House of Commons made another most important alteration in the Bill. He alluded to that important omission which had been made, which was a great security in the measure, and which was mainly relied on in that House—the provision by which it was enacted, that an estate must be sold for a sufficient amount to discharge the incumbrance on it. This provision had been removed from the latter part of the Bill, and estates might be sold at the amount of the declared value of the surveyor appointed by the Court of Chancery. In most cases the owners, and in some the incumbrancers, would, under this Bill, be defrauded. The noble Earl who had spoken last had referred to the notices. Of what use were notices? They would not give the person who received them any means of stopping the sale, unless, indeed, he were able to allege something which was obviously fraudulent. The mere circumstance that an estate was likely to be sold at too low a price, because so many other estates were being brought into the market, would not induce the Lord Chancellor to prevent the sale. The policy of the Act was to encourage sales; and, in accordance with that policy, the Lord Chancellor, unless there were collusion and fraud, must acquiesce in the sale, in spite of objections on the part of the owners. In point of fact, any one having a mortgage of 200*l.* on an estate might put the Bill in motion; 1,000*l.* would suffice to put it in motion as regarded five estates, and 10,000*l.* as regarded fifty estates. Thus their Lordships would perceive how a small company might, by means of the simultaneous disposal of a number of estates, inflict injury not only on the owners, but even on the *bonâ fide* encumbrancers of an estate. There were undoubtedly many cases in which the circumstance of an English gentleman with a large capital, becoming the purchaser of property in Ireland, would lead to the improvement both of the property and of the neighbourhood; but he did not believe that purchases thus effected would tend to improvement. Generally speaking, the old proprietor of the soil was infinitely preferable as a proprietor to a new comer. It would be found that of the two the former paid the greatest regard to the interest of the tenant; and he would rather see the land remain where it was, than see it transferred to Englishmen, who were much more ignorant of the habits and feelings of the people than even the existing proprietors. He would suggest that words should be inserted in the Bill requiring that land should not be sold under its operation for less than twenty years' purchase, calculated upon the net rental of the property, exclusive of all outgoings and charges. By adopting that Amendment, their Lordships would afford some security to the owner. If they did not afford a real security against fraud, a real protection of the landlord and the incumbrancer, in the price for which landed property was sold, their Lordships would do a great wrong to parties who were entitled to consideration.

The EARL of GLENGALL said, that the alterations made in this Bill in the House of Commons were so great that he did not recollect one example of the same kind. The whole matter was one which required to be gravely considered; for it was totally impossible in a Committee of that House, and as the Bill then stood, to enter into the voluminous technical details with which the Bill had been hampered. Since the previous Friday he had done his best to understand the details of the clauses added by the House of Commons; but it was impossible for any man who was not a lawyer to master them within so short a period. He had a great number of amendments to propose, which had been prepared within a brief space of time. He should do his best to perform his duty to his country. He did not care whether he was considered factious or not; he regarded the Bill as a Bill of robbery, and faction was as good against robbery as anything else. It was a downright cruelty, an outrage, and an injustice to the Irish landlord, to bring forward this new Bill, the object of which was to drive estates into the market when it was perfectly impracticable to obtain a proper price for them. Only a few days ago an estate was sold in Tipperary, which a year ago was offered for 25,000*l.*, and was notoriously worth 35,000*l.*; it was actually sold for 16,000*l.* He knew another estate in the county of Waterford, which had been worth 40,000*l.*, for which 15,000*l.* had recently been offered: if the estate had been sold for that sum, all the creditors except the first incumbrancer would have got nothing. If this Bill passed, nine-tenths of those who now stood by the British connexion, who were now loyal and well affected, might change their opinions, when they saw that the Legislature had driven their estates into the market, and that they were about to be plundered of the fair value of their property. This Bill had, he believed, in its present form, been partly got up at the solicitation of a body of persons, consisting in part of Quakers, who had concocted a scheme for purchasing estates in Ireland when they were to be had at the lowest possible price. There were six principals in concoction with the plan; and these persons had circulated amongst their Lordships a paper of a most suspicious character, entreating their Lordships to pass the Bill as amended. What business was it to these English Quakers, whether their Lordships passed the Bill or not? They had no property whatever in Ireland; but their plan was to drive great quantities of Irish land into the market, in order that they might purchase it at a very inadequate price. Did these Quakers, having handsome residences and considerable property, both in the funds and in land in this country, did they want to reside in Ireland? This question was an important one; for their Lordships had been told, that if they consented to pass this Bill, the property sold would be purchased by persons who would probably reside upon it; and no man would persuade him (the Earl of Glengall) that Norwich Quakers would go and reside in Waterford, Kilkenny, or Tipperary. He believed that the object of these persons was to form themselves into a company for the purchase of estates, in order that after they had made purchases they might be able to sell land at a considerable profit. That was the game which these parties were playing; and it was perfectly well known among persons connected with the great offices at the east end of the town that such was the intention. A most insulting paper had been published by this section of the society of Quakers. He did not accuse the great body of Quakers of entering into the scheme; but the half-dozen to whom he alluded were, under the cover of the benevolence of their brethren, endeavouring to obtain possession of Irish estates, in order that they might use them for their own benefit. He considered this Bill nothing more nor less than confiscation; and, by carrying it into operation as it then stood, their Lordships would do that which Mr. O'Connell was, during nearly the whole of his life, attempting to do, namely, effect the repeal of the Union, and confiscate the property of the Protestant landlords of Ireland. That having been done, our Protestant Church would not stand very long. It was not thus they had dealt with Scotland, when she was placed in a somewhat similar position: that country was allowed time to recover from her misfortunes, and to place herself among more prosperous nations. Ireland was now plunged in every kind of distress. The poor-rates in the poorest parts of Ireland were enormous. In four unions the land was at that moment paying from 12*s.* to 17*s.* 9*d.* in the pound. Was that a proper moment for throwing the land of those unions into the market? No one would scarcely give a shilling for land placed in such a position; and, indeed, the only safeguard against confiscation was, that no purchasers would be found. One of the highest legal authorities in Ireland —the Master of the Rolls—had given it as his opinion that this was a Bill which ought not to pass in anything resembling its present shape; and no man had taken greater pains, or enjoyed more opportunities of making himself familiar with the subject. He trusted that their Lordships would at least allow the Bill to be referred to a Select Committee. The Bill contained a great number of clauses which were of a most technical nature; and he hoped he should not have to say when he went back to Ireland, that in a House of Peers not composed of persons enough to form a House of Commons, a Bill was passed for the confiscation of Irish estates.

The MARQUESS of LANSDOWNE said, that the noble Earl who had last spoken had implied what he believed was the very reverse of the fact, that the Government, in introducing the Bill, and noble Lords in supporting it, were actuated by a desire to get rid of the landed proprietors of Ireland. So far from there being any foundation for such an assertion, as far as he was concerned, it was because he thought the Bill would prove advantageous, not only to the property of Ireland, but to the actual proprietors, that he was anxious to see it passed into a law. Let their Lordships consider who were the proprietors, and what was the claim which they had on that House. The state of landed property in Ireland was no new discovery. It had been stated again and again, and was admitted two years ago in the other House, that a very large proportion of the land of Ireland was placed in such a situation that none of the duties of property could be performed, while all the evils incident to such a state of things were endured. Under such circumstances the rents were received by persons who were unable to manage the property advantageously, and who, by their position, were tempted to retard that prosperity which it was the object of the Bill to promote. It was to reform that position of affairs, to place property in a condition to enable those who held it to discharge the duties of property; to provide for a state of things in which, when rents were received, no portion of them was applied to the improvement of the land, while the land was occupied by persons who did not promote the improvement of the land in any way, but whose condition retarded the prosperity of the country —that the measure had been introduced. The noble Earl opposite (the Earl of Ellenborough) doubted whether the provisions of the Bill were wisely framed with a view to their object. The noble Earl, however, had thrown out only two suggestions for the improvement of the Bill; and those suggestions, if acted upon and introduced into the Bill as amendments, would, he conceived, be injurious to the proprietor, and transfer the means which he would have of disposing of his estate advantageously. What were the two propositions made by the noble Earl? First, he proposed that a proprietor should not be allowed, by means of the sale under this Bill of a part of his property, to pay off a particular encumbrance, but that he should be compelled to sell enough to pay off at once the whole of his encumbrances. Did not that impose on the proprietor a limit which might be exceedingly injurious to him? By parting with a portion of his estate, a proprietor might be enabled to secure increased cultivation, and to effect great improvements on his property; and to say that he should sell the whole estate, and not an outlying portion of it, which might suffice for the purpose of improvement, appeared to him (the Marquess of Lansdowne) extremely undesirable. Then, again, the noble Earl suggested that parties should not be allowed to sell an estate under twenty years' purchase. Why deprive a proprietor of the benefit of a sale which could not be effected under twenty years' purchase? You could not place a landowner in a more disadvantageous position than by taking away his choice on the one hand, preventing him from selling, except for a certain number of years' purchase; and, on the other hand, not permitting him to sell that portion of his estate which was adapted to improvement. He thought, therefore, that these two suggestions might be dismissed at once, instead of being referred to a Select Committee. With regard to the provisions of the Bill generally, he did not pretend to understand any better than the noble Earl who spoke last, the technical arrangements provided by the Bill, or to explain how they were adapted to the object. And as the noble Lord had stated that he had not had time to read, and therefore had not been able to master the Amendments, he would fairly state that, having had the necessary time, he (the Marquess of Lansdowne) did not feel competent to offer an opinion with regard to the technical bearing of the clauses, which had received the attention and approbation of those who were infinitely better able to judge on such a subject than himself. When noble Lords said that they had not had time to consider the Amendments, and spoke of them as if they had come upon them like a thunderbolt, he must remind them that the Bill was brought up not two but six days since; and, moreover, he would ask, whether they were to be so completely the victims of forms and rules that they must remain in perfect ignorance of what was passing in the House of Commons? When the Votes and Proceedings of the House of Commons were sent to them daily, how could their Lordships remain blind to what was passing in that House? If at the end of the Session noble Lords wilfully shut their eyes to the information which poured in upon them, though it was not technically on the table, they were not entitled to ask for the delay of a measure which had for the last two years been admitted to be one of urgent importance as regarded the interests of Ireland. He had never seen a measure brought before that House with such a weight of that peculiar authority which was required to give it force, and to inspire their Lordships with confidence in the justice, skill, and propriety with which it was framed. There were in that House law Lords, who had filled the highest judicial offices—who had been members of one Government, or of another Government, or of no Government at all; but who resembled each other in this, that they were led by the particular habit and frame of their minds, and by the judicial functions which they exercised, to watch with suspicious vigilance everything which bore the character of an invasion of property, direct or indirect; and every one of these learned Lords was either in favour of the Bill, or else considered the objections to it so utterly trifling and insignificant that they had not thought it worth their while to stay for the purpose of urging them. He might therefore say that every legal authority—past, present, and future—was in favour of the provisions of the Bill. He apprehended that so long as a Bill was going through either House of Parliament it was the duty of all of them, if they saw any means of advancing its objects, or of removing any obstacles that might obstruct its operation, to do so. That, he conceived, was all that had been done on the present occasion; and he was only repeating what had been already so well stated by the noble Earl below him, when he declared that no new principle whatever was introduced by these Amendments. On the contrary, they were only calculated to carry out effectually the principle of the Bill, as the Bill already stood—that principle being to facilitate the sale of property when that property was so encumbered as to prevent the proprietor from exercising his rights over it. He would next refer to an objection that had been raised with respect to the influence which might be exercised over an encumbered property by a mortgagee to the extent of 200*l.* He would remind their Lordships that if those powers were put into action for any improper purpose, the landlord had at all times an opportunity of correcting the evil, for it was provided that even with respect to the proceedings of a mortgagee for 200*l.*, the landlord should receive six months' notice; and during those six months, if all the rest of the property were put in jeopardy to pay off this small amount, the other mortgagees could assist him in paying it. Reference had been made by the noble Earl opposite (the Earl of Glengall) to the parties who might become purchasers of the encumbered estates; but whether those individuals were Irishmen or Englishmen, or even suppose they were all Quakers, as had been suggested by the noble Earl, could he object, by their buying property in Ireland, to make purchases—profitable to themselves if he would, but which would be also profitable to the country by the investment of capital in its soil? He trusted that this measure would produce that effect when brought into operation, and hoped that their Lordships would as speedily as possible adopt the Amendments.

LORD STANLEY remarked, that the noble Marquess had referred, in support of his views, to the high authority of certain noble and learned Lords in that House; and he (Lord Stanley) would speak with the utmost respect of their high legal character; but the noble Marquess did not explain why two of those noble Lords, at half-past seven o'clock on that evening, had thought it more agreeable to be elsewhere than attending their duty in that House. With regard to the noble Lord on the woolsack, as well as with respect to the noble Lord who had been Chancellor of Ireland (Lord Campbell), he entertained the most sincere and unfeigned respect for their opinion; and he had the satisfaction on this occasion of citing their own authority against their own authority, and of reminding them that the very Amendments they now agreed to adopt were the Amendments suggested to their consideration on the debate on the Bill in that House, and by them rejected. He would be willing to surrender up any objection he might entertain regarding this Bill, if any of those noble and learned Lords would get up in his place and say he thought it would be just or expedient to apply to England or to Scotland the measure which was now proposed to be applied to Ireland. The noble Marquess said they had had sufficient time to consider those Amendments since the time they were printed for the consideration of the other House of Parliament; but he (Lord Stanley) begged to protest against the doctrine that it was part of their Lordships' duty to examine, day by day, all the Amendments made either by Government or any other persons in the House of Commons. It was, he submitted, no part of their Lordships' duty to examine into such matters, or to consider any measure until it was duly before the House. They were not to consider a Bill at a time when no petition could be presented against it, and when it could not be discussed; on the contrary, they should have full time for deliberation after a measure was formally brought under the consideration of their Lordships' House. He did not wish to delay this Bill; but he respected so much the opinions of the noble and learned Lords to whom reference had been made, that he should wish to hear more in detail an explanation of the views they now entertained with respect to the Amendments introduced into this Bill. If a Committee were granted, they could hear their opinion as to the working of the details of those Amendments, which now, on a short notice, were proposed for their consideration. Feeling that this measure had not received a fair discussion, and that unless it was referred to a Select Committee, it could not be fairly discussed, he should not discharge his duty if he did not take the sense of their Lordships' House on the question, that a Select Committee be appointed to take into consideration the Amendments introduced in the House of Commons.

The LORD CHANCELLOR begged to refer to the assertion made by the noble Lord who had just sat down, with respect to what had taken place on the discussion of the Bill in that House. He said it had been suggested that Amendments corresponding with the Amendments introduced in the House of Commons should be adopted, and that the proposition was rejected. He would leave it to those noble Lords who were present at that discussion to say if they had heard such a proposition. He certainly never did, nor did he conceive any Member of their Lordships' House. If the noble Lord had had a private conversation with him on the subject, he must have misapprehended what he had said; and in the course of his speech he showed that he must have misunderstood it. What had been suggested was this, that instead of sending the cases that might arise to the Court of Chancery in Ireland, it would be convenient to establish another jurisdiction to do the duty. Feeling that the Court of Chancery in Ireland had time to perform the duty, and feeling also that great expense would be incurred by keeping up a separate jurisdiction, he (the Lord Chancellor) did not feel disposed to burden the public at large or the proprietors of the estates in question by establishing a new jurisdiction. It was said that this was now a new Bill; but the fact was, that the old Bill remained (with one or two alterations) precisely as it left that House. It was true the House of Commons added to it another provision; but the Bill, as it left their Lordships' House, remained almost untouched. There was no alteration in the opinions of those who advocated the Bill in that House; for by the Amendments it was merely proposed that the reference to the Court of Chancery should only be resorted to if the parties did not settle the matter amongst themselves, and therefore the intervention of the Court of Chancery was not absolutely necessary.

After a few words from Lord MONTEAGLE,

LORD LANGDALE: My Lords, in considering these Amendments, it is important to distinguish between the principle of the Bill, and the means which are proposed to give practical effect to that principle. It appears by the title, by the recital, and by the nature of the proposed enactment, that the object of the Bill is "to facilitate the sale of encumbered estates in Ireland." But this expression, which correctly states the immediate object of the Bill, cannot be said to characterise its principle, unless it be added that the encumbered estates of which the Bill is intended to facilitate the sale, need not be subject to any contract for sale. The Bill proposes to facilitate the sale of encumbered estates, in cases where no contract for sale exists between the owner of the estate and the encumbrancer upon it. In this respect it may, as it seems to me, be not improperly designated as an arbitrary measure—a measure proposed to be adopted, not because the persons entitled to the estates and the encumbrances upon them have entered into contracts of which they wish to facilitate the execution, but because the payment of debts charged on estates in Ireland can scarcely be enforced; and on the ground, as the noble Marquess has stated, that in Ireland encumbered estates are so situated, and the rights to them so complicated, that the duties, the performance of which is justly expected from the owners of property, cannot be performed by those among whom the rights are divided. With a view, therefore, to secure the payment of debts which cannot otherwise be obtained, and to facilitate the means of acquiring unencumbered estates, in the owners of which the rights and the duties of property, as they have been called, may be united, it has been thought desirable to provide for the conversion of encumbered estates into money, giving to the purchasers unemcumbered titles, and throwing the encumbrances and charges, as far as can be, exclusively upon the money produced by the sales. And this object has been thought so important as to make it desirable to carry it into effect even in cases where the parties have not contracted to sell; and for this purpose to enable some persons interested to enforce sales against the will of other persons interested, who are not by contract, or in the present state of the law, under any obligation to sell or submit to a sale. It is in this view, and, as I conceive, in this view only, that the present measure can be called arbitrary—in this view only, that the measure can be open to most of the observations of the noble Earl (Earl of Glengall), who, in the warmth of his feelings has spoken in the way he has, of robbery and confiscation. How the application of the debtor's estate in payment of creditors who have lawful charges upon it, can be called robbery and confiscation, it is for him, if he so defines it, to explain; but I can understand his complaint if he founds it on the interference of the Legislature with the property of private individuals against their consent and will, and in the absence of contract. I cannot say that I am friendly to this sort of interference with private rights and contracts by legislative and sovereign power—no one has been more jealous than I have been of the powers conferred for the purpose of enforcing such interference. But it should be observed that the interference in such a case as the present, is of the same sort and character as all other legislative interference with private property for public purposes; and because this interference is intended to secure the payment of debts, or the performance of private obligation, which would not otherwise be performed, it is not more, but somewhat less, objectionable than the interference with private property and contract which is authorised by Acts for railways, docks, or other public works—Acts which enable the persons who execute such works to seize and appropriate any man's private property on the ground that it is required for the purpose of a work sanctioned by the authority of Parliament, in its view of some real or supposed benefit to the public. The present Bill no more deserves the epithets of robbery and confiscation, than any railway or dock Bill, or other Bill of the like kind. The denunciations of the noble Earl would be equally applicable to all such cases; but in truth, the subject in this point of view—the question whether the principle of the Bill ought or ought not to be adopted—is not now properly under our consideration. The principle of interference with the property of individuals in the absence of contract, was adopted by this House before it sent the Bill to the Commons; it was approved by the Commons before they prepared their Amendments, and sent them up to your Lordships; and in considering those Amendments, I apprehend that we ought to proceed on the ground that the principle has been approved and agreed upon by both Houses, and is not now the proper subject of argument and discussion. What then are the proposed means of giving practical effect to the admitted principle? In this House as the Bill passed, orders in Chancery, to be obtained in the manner pointed out, were the means proposed to carry the principle into operation. The Commons not interfering with the principle of the Bill, have considered that the sale of encumbered estates in Ireland may be facilitated by other means as well as by orders in Chancery; and they propose by their Amendments to provide for such sales, without such orders, by a system of notices, accompanied with various cautions and provisions intended to prevent the sales of the estates being effected for less than the real value in money. The noble Earl opposite (the Earl of Ellenborough) who has addressed himself to the proper subject of the debate, has considered that these cautions and provisions are not sufficient to answer the intended purpose; and though I cannot concur in his arguments, I willingly acknowledge their relevancy. He at least has not attempted any evasion, by suggesting that a new Bill was submitted to the consideration of the House. I confess that to me it is a little strange that any noble Lord should suppose that Amendments admitting the principle of the Bill, and not rejecting the particular means proposed by your Lordships for effecting the object of the Bill, but proposing additional means for effecting the same object, should be considered as a new Bill. They do not constitute a new Bill, or any thing like a new Bill. What is proposed, is in perfect accordance with the principle of the Bill as it was framed when it left this House; and it is proposed to adopt not a new and substituted process for that which was adopted by this House, but an additional process for securing the same object, namely, facilitating the sale of encumbered estates not contracted to be sold, for the best price which can be obtained. The real question, therefore, to be considered is, whether the provisions contained in the Amendments are calculated to secure that object. The nature of those provisions has been sufficiently explained by my noble and learned Friend on the woolsack. It is quite unnecessary for me to detail them further; and without troubling your Lordships with any argument, I shall merely state as the result of my own consideration of the Amendments, that I entertain considerable doubt whether the cautious provisions provided by the Commons to prevent sales for less than the value, are not only more than are necessary to effect the object, but so stringent as to impair the efficacy of the additional process which the Amendments are intended to provide. Considering the caveats, the notices (sometimes difficult, if not impossible, to serve), the valuations, the five years to elapse before a perfect and unimpeachable title can be obtained, the liabilities as for breaches of trust, and the powers given to redeem — it is manifest that the obstacles to sales under these provisions are very great—perhaps they may in their application be found so great, in many cases where there is considerable complication, as to make the proposed additional process impracticable, and to leave to those who desire to have the benefit of the Act, that particular mode only of obtaining it which was at first provided by your Lordships. A noble Lord has asked, would any one propose such a measure as this for England? It may be a sufficient answer to that question to say, that those who think this measure right for Ireland, might reasonably propose it for England, if England were in the situation and circumstances of Ireland—if in England the titles to land and to the encumbrances and charges on land, were in such a state of intricacy and complication, that (to the extent which now unhappily exists in Ireland) payment of the charges could not be obtained, and the duties attached to property could not be performed. In England, contracts providing for the sale of encumbered lands are frequent, perhaps so frequent as to make such a measure as this unnecessary; and upon such a proposal with respect to England as is suggested, the difficulty would be to feel convinced that the circumstances of the case were such as to make the application of the principle of this Bill proper and expedient. If it were demonstrated that such a Bill was expedient for England, I do not say that I should venture to propose a Bill in the exact terms of this Bill; but I think that I should venture to propose enactments still more directly and avowedly founded upon the principle of this Bill, and, taking all just care to secure sales at proper value, proceed to sell the estates with less complicated and obstructive means of precaution than are here provided. My Lords, I fear that the precautionary provisions contained in the Amendments are so stringent that they derogate unnecessarily from the intended efficacy of the mode of proceeding they authorise. I am satisfied that the measure, accompanied by such precautions, affords no ground whatever for the alarms expressed by the noble Lords opposite.

After a few words from the Earl of GLENGALL,

The LORD CHANCELLOR put the question, whether the words proposed to be left out shall stand part of the Motion? House divided:—Contents 28; Not Contents 10: Majority 18.

List of the CONTENTS.

DUKE.
Norfolk.

MARQUESSES.
Lansdowne
Headfort
Clanricarde.

EARLS.
Auckland
Granville
Grey
Wicklow
Strafford
Devon
Morley
Spencer
Fortescue
Minto
Shaftesbury
Waldegrave.

BARONS.
Byron
Beaumont
Saye and Sele
Campbell
Camoys
Cottenham
Foley
Elphinstone
Langdale
Sudeley
Wrottesley
Eddisbury.

List of the NOT-CONTENTS.

EARLS.
Warwick
Malmesbury
Ellenborough
Eglinton
Mountcashell
Glengall.

VISCOUNT.
Hawarden.

BARONS.
Stanley
Redesdale
Monteagle.

Paired off.

FOR.	AGAINST.
Earl of Camperdown	Earl of Orkney
Earl of Sefton	Lord Feversham
Lord Poltimore	Lord Bolton
Earl of Zetland	Duke of Richmond
Lord Cremorne	Lord De Ros
Earl of Scarborough	Lord De Freyne
Earl Fitzhardinge	Earl of Munster
Earl of Effingham	Earl of Cardigan
Lord Lilford	Lord Wynford
Lord Bateman	Earl Poulet
Viscount Clifden	Lord Forester
Earl of Claremont	Viscount Canterbury
Lord Stafford	Marquess of Ely
Bishop of Norwich	Earl Digby
Earl Verulam	Earl of Harrowby
Earl Radnor	Lord Downes
Lord Hatherton	Lord Templemore
Bishop of Manchester	Lord Colchester
Bishop of Hereford	Lord Sondes
Bishop of Durham	Lord Doneraile
Lord Colborne	Marquess of Salisbury
Lord Milford	Duke of Cleveland

Then the House proceeded to take the said Amendments into consideration. Some Amendments to the Commons' Amendments *moved*, and *disagreed to*. Commons' Amendments *agreed to*. A message sent to the Commons to acquaint them therewith.

House adjourned.

HOUSE OF COMMONS,

Monday, July 31, 1848.

MINUTES.] PUBLIC BILLS.—1° Turnpike Act Continuance; Westminster Improvements.

2° London (City) Small Debts; Highway Rates; Insolvent Debtors' Court; Clerks of the Peace (Dublin); Fisheries (Ireland); Loan Societies; Proclamations on Fines, Court of Common Pleas; Dublin Police; Assessionable Manors Commissioners (Duchies of Cornwall and Lancaster).

Reported.—Poor Law Union Charges (No. 2); Coastabulary Force (Ireland).

3° and passed:—Reproductive Loan Fund Institution (Ireland); Juvenile Offenders (Ireland); Land Tax Commissioners' Names; Regent's Quadrant Colonnade; Rum, &c. Duties; Parliamentary Electors.

PETITIONS PRESENTED. By Mr. Lushington, from Edward Swift, and Others, from several Places, for the Adoption of Universal Suffrage.—By Viscount Melgund, from the Sugar Refiners of Glasgow and Greenock, against the Admission of Foreign Refined Sugar.—By Mr. M'Gregor, from Henry Bristow, a Lieutenant Colonel in the British Army, complaining of his Expulsion from Spain.—By Mr. Corbally, from the High Sheriff and Grand Jury of the County of Meath, respecting various Depredations by Killing Cattle, Sheep, &c.—By Mr. Leslie, from Monaghan, for the Abolition of the Office of Coroner (Ireland).—By Sir R. Ferguson, from Donegal, for Inquiry respecting the Poor Law (Ireland).—By Mr. Archibald Hastie, from Ratepayers of Paisley, in favour of an Amendment to the Poor Law (Scotland).—By Dr. Bowring, from the Guardians of the Bolton Union, Lancashire, in favour of the Poor Law Union Charges Bill.—By Colonel Damer, from Shinrone and Parsonstown, in the King's County, complaining of the Stoppage of the Public Works (Ireland).—By Mr. William Lockhart, from the Kirk Officers, within the Presbytery of Glasgow, against the Registering of Births, Deaths, and Marriages (Scotland) Bill.—By Mr. Alexander Hastie, from the Directors of the Paisley Athenæum, against the Scientific Societies Bill.

FARMERS' ESTATES SOCIETY (IRELAND) BILL.

House went into Committee.

Clause 1 was postponed.

Clauses from 2 to 12 agreed to.

On Clause 13,

MR. P. SCROPE said, that by the Bill as it at present stood, if the company purchased an estate on which there were farms of less than 30 acres in extent, they would have to get rid of those occupying tenants before they could sell the land. Remembering that nine-tenths of the farms of Ireland were under thirty acres, he thought the principle was so important that he should take the sense of the House upon it.

On the question that the word "occupier" stand part of the clause, the House divided:—Ayes 51; Noes 3: Majority 48.

List of the AYES.

Adair, R. A. S.
Arkwright, G.
Armstrong, R. B.
Baldwin, C. B.
Blackall, S. W.
Brown, W.
Buck, L. W.
Buller, Sir J. Y.
Buller, C.
Clements, hon. C. S.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duncan, G.
Duncuft, J.
Dunne, F. P.
Ebrington, Visct.
Fagan, W.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Fortescue, C.
Fox, R. M.
French, F.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Grace, O. D. J.
Greene, J.
Hall, Sir B.
Henley, J. W.
Hobhouse, T. B.
Howard, P. H.
Ingestre, Visct.
Jervis, Sir J.
Jones, Capt.
Langston, J. H.
Lockhart, W.
M'Cullagh, W. T.
Marshall, J. G.
Norreys, Sir D. J.
Palmer, R.
Pigott, F.
Pinney, W.
Ricardo, O.
Seymour, Lord
Somerville, rt. hn. Sir W.
Spooner, R.
Thornely, T.
Vane, Lord H.
Vesey, hon. T.
Wall, C. B.
Watkins, Col.
Wyvill, M.

TELLERS.
Monsell, W.
Stafford, A.

List of the NOES.

Crawford, W. S.
Thompson, Col.
Wilson, M.

TELLERS.
O'Connor, F.
Scrope, P.

Clause agreed to.

House resumed.

Committee to sit again.

SUGAR DUTIES (No. 2) BILL.

House in Committee.

The CHANCELLOR OF THE EXCHEQUER considered it necessary to state, at the earliest possible opportunity, the course the Government proposed to pursue with regard to this subject, and the reasons which had induced them to adopt that course. With regard to some inaccuracies which had been pointed out in one of the schedules, as to the duties upon refined sugar and upon brown clayed sugar the produce of colonies, they might be corrected in Committee. The principal alteration which had been made, and which was shown in the paper delivered to Members of that House, was the consolidation of the duties upon double and single refined sugar. He was sorry to say that the result of the communications he had had with his hon. Friend the Member for Westbury (Mr. J. Wilson), and which they had together had with sugar refiners, had led the Government to conclude that, at present, they could not introduce a measure allowing the refining of sugar in bond. He (the Chancellor of the Exchequer) was far from underrating the importance of such a measure, if it could be carried into effect with due regard to the interests of the revenue and of those concerned in the sugar refining trade; but no pains had been spared by the Government in obtaining information on the subject, and the result was that they could not see their way to a practical and satisfactory measure. Such a measure to be satisfactory to all parties must be a compulsory measure. It must not only provide that persons might be permitted to refine in bond, but, if refining in bond were permitted, it must also be required that all refining be carried on in bond. He thought it must be evident that the main object sought by refining in bond was to get rid of the disadvantages of what were called "the uniform duties upon all classes," and to substitute what would be equivalent to an *ad valorem* duty; but he did not think this object would be effected by such a measure. Such a measure would not be fair unless it was compulsory; everything that came out of the refinery must be subject to some duty or other. One objection which had been taken to such a measure was (as we understood) that, as it would impose a duty of some amount on all the produce of the refiner, a duty must be levied on molasses —an article almost exclusively consumed by the poorer classes—which would tend to raise its price. If the produce of the refiners had been of one description, it would not have been difficult to deal with the matter; but their produce was of four or five different kinds, and the difficulty was in the apportionment of the duty, which would involve questions of extreme nicety. He did not see how it would be possible to avoid frauds, which would be alike detrimental to the revenue, and which would give an undue advantage to unfair against the fair traders. His hon. Friend the Member for Westbury and the Chairman of Excise had, a few days ago, spent upwards of seven hours with a deputation from the sugar refiners in consulting upon this subject; and the conclusion they arrived at was, that it would be most difficult to frame any measure which would protect the revenue and the fair trader from fraud. In order to obtain satisfactory information on this point, the Chairman of Excise, accompanied by experienced officers, visited, at his request, several sugar refineries, and spent three or four hours in going through some of the largest establishments in London; and they reported that they did not see the possibility of adequately securing the revenue, except by imposing such restrictions upon the refiners as would materially interfere with the course of their manufacture. The revenue officers would have to watch most strictly every stage of the manufacture, and to interfere, to a considerable extent, with the process of manufacture. When he found that it would be necessary that the system should be compulsory, and that the sugar refiners themselves saw the necessity of its being so, he could not but hesitate to impose upon the trade the restrictions which would be requisite. The object proposed might be of great advantage to some, but there were others to be considered also; and he did not at present, at any rate, see his way to its being effected. If, on further consideration, he should see his way to its being accomplished with justice to all parties, he should be very glad; but, not being at present in that position, he did not propose to allow sugar to be refined in bond for home consumption. The parties to whom he had referred had requested that the measure should be postponed for this Session at least; and he must say that he never saw men more anxious to carry out a proposed object if it could be done; it was only upon further investigation that the difficulties were found insuperable. Then, with respect to maintaining the distinction between double refined and single refined sugar, he found that it would be a great advantage to the trade to compound the two duties into one. All that could be asked on the part of the West Indies was, that the duty upon the sugar when refined should be equal to the duty upon the raw sugar, and he believed he had so calculated the sum that the former would rather exceed the latter. Although under the duty as now fixed foreign refined sugar would not come in to any great extent, yet it was sound policy to admit foreign manufactured articles, so as to prevent an undue price of articles manufactured at home; and, indeed, having regard to the spirit of liberality on which our commercial legislation for some years past had been framed, it might be said that it would be almost unjust to refuse this. The duties he had fixed would, he believed, effect this end, without exposing the refiner to any undue competition. He proposed, therefore, to impose one duty upon all refined sugar, instead of the two rates. The right hon. Gentleman concluded by moving—

> "That the Duty upon Candy, Brown or White refined Sugar, or Sugar rendered by any process equal in quality thereto, the growth or produce of a British Possession, should be 17*s.* 4*d.*"

MR. BARKLY had heard with mingled astonishment and regret the announcement made by the right hon. Baronet, that after all the promises made to the West Indian interest, with respect to refining in bond being permitted, and all the advantages which it was stated would result to them from that measure, it was the intention of the right hon. Baronet to abandon the plan for the present Session. This was a fresh instance of that extraordinary vacillation of purpose on the part of the present Government which would in future prevent the trading interest of this country from placing any reliance whatever upon their promises, officially made in that House. This was no new measure; it had been always represented during the Session as one of the boons to be given to the West Indian interest by those who were connected with the Government. It was so stated in the House by the hon. Member for Westbury (Mr. J. Wilson) on the 23rd of June; and the statement had been again and again confirmed by the Chancellor of the Exchequer also in the House. The next thing heard was, that the preliminaries of the measure had been settled at an interview between the refiners and the Chairman of the principal Revenue Board concerned, at the office of the Chancellor of the Exchequer; indeed, in the City, the parties interested in the measure were favoured with a paper purporting to be the heads of the arrangement then come to. It was only upon Saturday last, when gentlemen connected with the West Indies requested an interview with the right hon. Gentleman, with a view to offer some suggestions, that they were told that he had changed his mind, and that there was to be no refining in bond. The reasons he had assigned were far from satisfactory. It was impossible to form so low an estimate of his capabilities for office as to suppose that it was only after the measure had been talked of for weeks, and after the preliminaries of it had been settled, that he thought of seeing whether the revenue could be made secure —whether the measure was practicable; it seemed incredible that it should have been only on Friday last that the Chairman of the Customs and Excise went over a refinery with that view. There was no difficulty in the case of refining in bond for home consumption, any more than for exportation, which had been allowed for these fifteen years. The right hon. Gentleman said it would be hard to make the measure compulsory, and to impose upon the refiners excise restrictions without their consent; but who ever asked him to make it compulsory? What was asked was, that those who wished to refine in bond, should be permitted to make the requisite arrangements with the Excise. Then, too, as to the sudden discovery that it was wrong to have two rates of duty upon refined sugar, the effect of his striking an average would be that the refiners would get a higher protection of 2*s.* a cwt. upon the low descriptions of refined sugar, of which the Dutch principally consisted, and this at the expense of the colonial refiner. At this late period of the Session, he (Mr. Barkly) was not going again to raise the question of protection to the colonies; but the changes which the Government had made in their plan would have warranted it. The *Economist* enumerated the various advantages the West Indians were to have bestowed upon them by the Government scheme, and made them seven in number; of the whole seven, the West Indians at present could see their way to getting just two during the Session! Gentlemen connected with the West Indies had told him (Mr. Barkly), that if his proposition had been carried, it might have been considered in some sort a settlement of the question; whereas the Government proposal would leave it open to be fought again.

MR. CARDWELL had the honour of representing some of those who were most interested in the question. During the whole of the Session they were always told, both in Committee and in the House, that the system of refining in bond was a great advantage to which the West Indians might look forward. Now, the Chancellor of the Exchequer said, that if the power of refining in bond were given at all, it should not be optional, but compulsory, and that he did not see his way clearly to a solution of the difficulties attendant upon such a scheme. This was but an unsatisfactory answer to the West Indian producer. He did not know what difficulties the Chancellor of the Exchequer might have met with on communicating with the heads of the revenue departments; but if they had been made acquainted with this whilst the West India Committee was sitting, they would have known that there was no remedy for the grievance. The West Indians had been told, by the Gentlemen who represented the Government in that Committee, that the three principal measures to which the West Indians had to look for redress were the adjustment of the rum duties; the repeal of the navigation laws, which, whether for their benefit or not, would assuredly not be carried in the present Session; and refining in bond, which certainly would have been for the benefit of the West Indians, as against Cuba and Brazil. Their hopes had been buoyed up to the last moment; and now, at the eleventh hour, they were told they were not to get it.

Mr. LABOUCHERE must deny altogether the statement of the hon. Member for Liverpool, that the Members of the Government, when sitting in the Committee on the West Indian inquiry, distinctly announced their intention of proposing a plan for allowing the refinery of sugar in bond. Although they certainly had examined witnesses in that Committee, to see how far the measure was practicable, and might have evinced a great anxiety to arrive at that conclusion; yet they never did, either as individual Members of the Committee, or still less as individual Members of the Government, intimate their determination to take any such measure. With respect to the proposal of allowing sugar to be refined in bond, he altogether agreed with the Chancellor of the Exchequer, that, if it were possible to do so consistently with the security of the revenue, it would be a most important boon to the West Indian interest; but he thought his right hon. Friend had done his duty in not proposing a measure of so much importance unless he saw his way more clearly.

Sir W. CLAY said, in the borough which he represented, by far the larger proportion of the sugar-refining trade of England was concentrated. He had been in communication with parties engaged in that trade, and he would say, it was after the most deliberate investigation of the difficulties attending any plan of refining in bond, that they had come to the conclusion that no plan yet presented would obviate those difficulties, and that it would be impossible to prevent fraud alike on the revenue and the honest trader without such a close, constant, and vexatious interference of the excise officers as would in the highest degree embarrass the proceedings of the manufacturers, and enhance the cost of the manufacture.

Mr. GOULBURN begged to confirm the statement of his hon. Friend the Member for Liverpool. It was perfectly true there was no distinct proposition made to that effect in the Committee; but, from conversations with the Members of the Government, the general belief was, that the permission would be granted.

Resolution agreed to.

On Schedule 2 being put,

Lord G. BENTINCK said, that while he could not approve of the proceedings of the Government, he could not help admiring the *debonnaire* manner in which the Chancellor of the Exchequer came down to that House to announce that he was going to disappoint the West Indian, the East Indian, and the Mauritian interests, by refusing to concede to them the valuable boon which he so faithfully promised to them on Monday last. He also could not but admire the very light and trivial manner in which the right hon. Gentleman glossed over the "little inaccuracies" into which he had fallen in his treatment of this question. The right hon. Gentleman, in the easiest and most cavalier manner possible, had pleaded guilty to the indictment containing twenty-three counts which he had preferred against the right hon. Gentleman. He had accused the right hon. Gentleman, a few evenings since, of having fallen into twenty-three blunders in the original resolutions which he had introduced with respect to the sugar duties. The right hon. Gentleman, in attempting last week to rectify these mistakes, fell into two more blunders; so that he now stood in this position, that after seven weeks' discussion on a question with the details of which he, above all other men, ought to have been most intimately and minutely familiar, he was convicted of having come down to that House, and of having fallen, in his treatment of that question, into no less than half a hundred blunders. When, on a former occasion, he (Lord G. Bentinck) complained of the rates of duty charged on Dutch refined sugars, the terms which he was promised by the Government were, that the duty on double refined sugar should be reduced from 19*s.* 6*d.* to 18*s.*, and on single refined sugar from 17*s.* 4*d.* to 16*s.* But that boon would have been worth nothing—it would have been literally and absolutely valueless—had it not been accompanied by the assurance that the British colonies were to be permitted to refine in bond. All the value of the boon consisted in the permission proposed to be given to the British planters to refine their sugars in bond. Accompanied by that permission, it would have been really valuable; and it was under the distinct impression that such permission was to be concomitantly granted, that he had spoken when he expressed, on the part of the British planters, the sincere satisfaction with which he had listened to the announcement of the Chancellor of the Exchequer. And well might he have done so. Taking, for example, the coarse sugars of the East Indies, the effect of the permission to refine in bond would have been to let in the lower qualities of sugar on paying a duty of about 9*s.* 1*d.* But it appeared that the long-promised boon, concerning which so much noise had been made, was not to be granted after all. After the hon. Member for Westbury had sat for three months in the Sugar and Coffee Planting Committee, incessantly examining and cross-examining witnesses as to the practicability of refining sugar in bond—(for that was his special plan for getting over the injustice and inequality of the present duty, which charged the same amount on sugars which were worth 12*s.* or 15*s.* in bond, and on those which were worth 27*s.* or 28*s.*)—after all this toil and trouble, and after receiving a solemn assurance that everything was to be set right, and all inequalities rectified, by permitting the British planters to refine in bond, they were now coolly told that the thing could not be done—that the thing was impossible—that the measure of permitting the British planters to import their own canes in the crudest possible state, and then to refine them in this country, was, in fact, the pith and essence of the Government plan. After the measure had been for seven weeks before the House of Commons, and after Her Majesty's Ministers had taken from the 29th of May to the 16th of June to consider the exact details of the scheme they were to submit to the Legislature, they were told, forsooth, that it was not until the 28th of July that it had ever occurred to Her Majesty's Ministers to consult the Chairman of the Customs and the Chairman of the Excise, as to whether that part of their plan which, having for its object the assistance of the British planter, might be said to be the most important part of it all, could or could not be carried out. There never was seen such a pitiable spectacle of Ministers coming down to transact the business of the country, and succeeding in nothing except in demonstrating to the world how totally incapable they were of transacting any business at all. Nothing could be more unwise or more unstatesmanlike than the course they had adopted, in one day holding out hopes and promises which they unceremoniously violated the next. When the Chancellor of the Exchequer came down that evening, and so unblushingly announced his intention to abandon an engagement which he had so solemnly made, he had expected that the right hon. Gentleman would have gone on to explain the particulars of some project which he had arranged in his own mind for the compensation of the British planters, instead of the profit he had abandoned; but he had waited in vain for any such announcement. The promised boon was now denied, and nothing was promised in its place. If the right hon. Gentleman was right in stating on Monday last that it was proper there should be a difference of 1*s.* 6*d.* a cwt. between double refined sugars of the British colonies and the Dutch double refined sugars, and a difference of 1*s.* 4*d.* between the single refined sugars of the British possessions, and the single refined sugars of Holland, what excuse had the right hon. Gentleman now for continuing the foreign duties at the same rates at which they stood in the Bill? He was without a shadow of pretence for leaving the duties as they at present stood. But the whole policy of the Government on this question was so inconsistent and so contradictory, that he very much doubted that they themselves understood what they were about. The principle on which the Chancellor of the Exchequer first set out was that of refining in this country; but he had now taken up the very converse of the proposition, and founded his whole plan on the principle that the sugars should be refined in the colonies. He now came to the question of the duties on sugars imported from the continent of Europe. Under the old Act there was a permanent duty of 3*l.* 3*s.* on double and single refined sugar imported from countries of which it was neither the growth nor produce, and a permanent duty of 2*l.* 2*s.* on muscovado sugar imported under similar circumstances; and a permanent duty of 15*s.* on molasses similarly imported. It was found, however, that on account of the Dutch rates it was impossible to maintain those duties. Such, at least, was the version of the affair given to that House. He had endeavoured to test the value of the objection, by asking the noble Lord at the head of the Foreign Department whether he would consent to lay upon the table the copies of any correspondence that might have passed on the subject between the English and Dutch Governments. The noble Lord, than whom no one was more expert at parrying an inconvenient question, replied, that the negotiations were stlll pending; and that, until they were completed, it would not be advisable to lay any correspondence on the table. But he succeeded in catching the noble Lord by inquiring the date of the last communication between the British and Dutch Governments. The noble Lord professed his inability to state; but on being pressed to say whether it was within the last three months, he replied, "Certainly not." It was clear, that on the 29th of May there was no difficulty with regard to the Dutch treaty, for on that day he proclaimed his intention to make no change in the old Sugar Duties Act, 9 and 10 Vict., cap. 63, containing that clause for the restoration of which in the present Bill it was his intention to move; the clause (No. 6) by which it was enacted that no sugar was to be admissible to entry for home consumption at the lower rates of duty, as being the growth and produce of any foreign country, unless the master of the ship importing the same could prove that such sugar was *bonâ fide* the growth and produce of the foreign country from which it was imported. There never was a more idle pretence than that relied on to prop up the plan by the hon. Member for Westbury, namely, that there was in the Dutch treaty a clause which interfered to prevent the distinction which he (Lord G. Bentinck) proposed to make between sugars the growth and produce of the countries from which they were imported, and sugars carried into the continent of Europe, there to be refined, and to receive a bounty for their export. No doubt negotiations would soon arise, for the Dutch Government would not be so neglectful of their own interest as not to profit by the hint which had fallen from the noble Lord at the head of the Foreign Department; but it was quite certain that so recently as the 29th of May no difficulty existed because of any Dutch treaty whatsoever. If the Amendment now under consideration were carried, he should propose the introduction of a new schedule of duties to be charged on all descriptions of sugar; and he should also move the restoration of Clause 6 of the Act 9 and 10 Vict., c. 63, to which he had already alluded. The Government had been erroneous in their calculations all along, and particularly in their calculations as to the amount of the probable increase in consumption by reason of the reduction of a halfpenny. He had ascertained, to a certainty, the quantity of sugar entered for home consumption at the ports of London, Liverpool, Bristol, Hull, and Clyde, last year and this year. In the year 1847, there were entered for home consumption in these ports, 143,318 tons; in 1848, there were entered 166,152 tons; adding 13½ per cent, which was the usual allowance for the other ports, it would be seen that there had been entered for home consumption during 29 weeks alone this year, 188,583 tons, against 162,655 during the corresponding weeks of last year, showing an increase of consumption of 29,928 tons during the first 29 weeks of the present year. It was clear, therefore, there could not be much exaggeration in the calculation that a reduction of a halfpenny could produce an increase of 30,000 tons. He would not trespass upon the attention of the House any further, but would merely move the Amendment of which he had given notice. The noble Lord concluded by a Motion to leave out the words, "on all sugar not otherwise charged with duty."

MR. LABOUCHERE said, there was only one point to which he should refer, and that was the censure which the noble Lord had cast upon the Government with reference to the Dutch. The Dutch had stated that the English Government were bound to admit sugar refined in that country on the same principle as they admitted that of Belgium. That was a claim which could not be disputed; and he believed that if a contrary principle were acted upon, no country would suffer more than this. What was the case of the Channel Islands? Those islands being allowed to import into this country their own produce free of duty, certain parties had taken advantage of this to manufacture confections and other things, which were sent in large quantities to this country merely for the sake of the saccharine matter they contained, and thus the Customs regulations were altogether evaded. To cite such an instance as that against the claim of Holland, in a case in which equity was on the side of that country, would have been a most unworthy course on the part of the English Government.

Mr. GOULBURN asked whether it had never struck the right hon. Gentleman that throughout the whole of this Bill he insisted rigidly that the West Indies should be subjected to the same inconvenience which he had described as operating so prejudicially towards foreign countries?

Mr. WILSON said, the distinction to which the right hon. Gentleman (Mr. Labouchere) had alluded was so clear, that he was surprised that there should be any doubt on the subject—the colonies were confined to their own growth and produce, simply because it was admitted into this country at a lower duty than foreign sugar. They were then speaking of a Bill imposing duties up to 1854; and he apprehended that after that period no such distinction could exist. It was clear that up to 1854, unless this distinction were maintained, the Jamaica planter would be liable to frauds on the part of the Cuban planter; but after 1854, there would be no longer any reason for insisting that the importation from Jamaica should be the growth and produce of that island. He believed that last year, so far from the bounty received by the Dutch refiners proving an advantage to them, they considered it an injury; so much so, that one of the principal refiners in Holland had recently published a pamphlet, strongly advocating the abolition of the system of bounties altogether, and recommending the adoption of the system of refining in bond in order to relieve them from the serious difficulties to which they were exposed under the existing system. [The hon. Gentleman quoted a document which showed that the Dutch refiners were anxious for the abolition of the drawback, and very desirous of having the system of refining in bond introduced.] At the present moment, too, there was a proposition before the Chambers at Brussels for doing away with the drawbacks, and to allow refining in bond, as was the practice of this country; and, upon the whole, he was sure the House would be satisfied that the advantage of the bounty was more an apparent than a real one. As to the protection enjoyed in this country from the amount of freight, &c., paid upon the Dutch refined article, fifteen shillings per ton was the expense by steamboat; but it might be carried as low as ten shillings by sailing vessels; although by the latter mode of conveyance the merchant had to put up frequently with great delays and inconvenience. He thought, after the terms of the treaty which the noble Lord had read, that it would be absolutely impossible for that House, at all events, to exclude Dutch refined sugars; and when they considered the large proportion of the European refiners existing in Holland, he would put it to the House whether it would be wise or prudent, legislating, as they pretended to do, upon broad and comprehensive principles, and admitting Dutch refined sugars, to exclude the small portion exported from Belgium or Hamburgh? But they must remember that we were in the same predicament, and that, too, in a twofold form, with the United States of America, as we were with regard to Holland. The United States' refiners were succeeding so well that they were formidable competitors in the Mediterranean markets, not only with our own refiners, but with the Dutch themselves; yet, whether by treaty or by the Act of 1846, we were obliged to admit the refined sugars of the United States. How, then, would they distinguish between the refined sugar of Louisiana and that of Cuba? He would ask, therefore, whether it would not be better for us boldly to look our difficulties in the face at once, and act as we were bound to do by treaty? Supposing Holland were to give the United States the advantage of allowing their cotton goods to be imported at a lower rate of duty than was levied upon the same description of goods from this country, and the difference as against our goods were to be grounded upon the principle that the raw material was not grown here, with what indignation might not the noble Lord have condemned such a course as an evasion of the treaty which allows our manufactures to come in upon an equal footing with those of the most favoured nations? So, reversing the case, and applying it against Dutch refined sugars imported into this country, Holland would have an equal ground of just complaint. Some years ago Mr. J. Deacon Hume, in a paper laid before the Lords of the Treasury in reference to the question whether it was competent for this or any other country to consider the origin of the material of refined sugar, and what was not, said that it was impossible to decide what portion of the raw material was of varied origin, either at the port of exportation or of destination. He (Mr. Wilson) knew there was a strong feeling existing amongst Gentlemen connected with the West Indian interest as to the advantages the Dutch refiners possessed over the refiners of this country. It was stated, for instance, that the Dutch got large tares on their sugar. It was quite true that the tares allowed by the importing merchants in Holland were larger than the actual tares on packages; but in no case when the article came to pay duty were those excessive tares allowed by the Government. The Custom-house reduced those tares in every instance, so that the Dutch had no advantage whatever over us in that respect. It had been also stated that the Dutch derived an advantage from the navigation laws, by being allowed to use the sugars imported by all flags. There was, however, a distinction in the duties charged upon sugar imported under Dutch flags, and those imported under foreign flags. The difference of duty was about 9*d.* a cwt.; and he believed the difference of the duty between the privileged and unprivileged flags in this country did not exceed that sum. The freights from Cuba for the last two or three months had not been more than from 10*s.* to 15*s.* per ton. He, therefore, thought that the Dutch refiner was not placed on that score in a more advantageous position than the refiner in this country. He believed the noble Lord could not, had he intended to do so, have made a Motion which could operate more disadvantageously to the West Indians themselves, than the one which he had submitted to the House. The exclusion of Dutch sugars during the last three or four years had operated very much to the prejudice of the West Indians. He (Mr. Wilson) thought it would be freely admitted, that whatever reduction took place in the cost of the raw material, as much as possible of that reduction should go to the benefit of the consumer, in order that the entire quantity of the sugar consumed might be increased. He would show that all the great reductions that had taken place in the price of the raw sugar had not gone to the benefit of the consumer, and, therefore, had not encouraged, to the extent they should have done, increased consumption. In 1845 the late Government reduced the duty on colonial sugar from 25*s.* 3*d.* to 14*s.* That should have caused a reduction in price amounting to 11*s.* 3*d.* In the last two months of 1844, West Indian sugar was 57*s.* 1*d.*, and the price of refined standard loaves during that period was 75*s.*, leaving a difference of 17*s.* 1*d.* between the price of West Indian sugar and refined sugar. When the duty was reduced from 25*s.* 3*d.* to 14*s.*, the average price received by the West Indians for the following two months was 44*s.* 1*d.* But the average price of refined sugar during that period was 74*s.* 3*d.*, being a difference of 30*s.*, instead of 17*s.* 11*d.* This high price arose from the inability of the refiners to furnish the great supply demanded, in consequence of the reduction of duty. Surely it would have been an advantage to the West Indians in that case if the price of sugar to the consumer had fallen. In the first two months of 1847 the average price of duty-paid sugar was 49*s.* 8*d.* During the same period refined sugar was 68*s.* 7*d.*, leaving a difference between the two of 18*s.* 11*d.* During the latter part of the year sugar fell 2*l.* a ton; and in the last two months, instead of 49*s.* 8*d.*, the West Indians received only 37*s.*; and refined sugar fell from 68*s.* 7*d.* to 58*s.* It would have been to the advantage of the West Indians had refined sugar fallen in the same proportion as the West Indian sugar did, in order that increased consumption might take place. If we were now to exclude Continental sugar from this market, whatever variations might take place in the raw material, he did not believe that similar variations would take place in the refined article. But by admitting Continental sugars into this market, you would place that check on the British refiner to which every other British manufacturer was subject at the present moment. He thought it would be unwise to shape the measure of the Government according to the views of the noble Lord.

Mr. GOULBURN said, that it was not very easy to follow the calculations of the hon. Gentleman with regard to Dutch sugar; but, as far as he could understand the hon. Gentleman, he had made it out that a very large bounty was given to the Dutch refiners on exported sugar by their Government. The hon. Gentleman stated that 100 cwt. of raw sugar produced 68 cwt. of refined sugar, on which he paid no duty whatever. If, then, the Dutch had this bounty on sugar exported to this country, it would be a very serious thing to permit them to compete on equal terms with our own sugar refiners. Considering the difficulty there was in distinguishing sugars in a manufactured state, the better plan seemed to be to increase the rate of duty on all foreign sugars.

Mr. DISRAELI said: The right hon. Gentleman the President of the Board of

Trade said there was only one point in the observations of the noble Lord (Lord G. Bentinck) which required notice; and, in reply to it, made some observations which he has put before the House on more than one occasion. But there was another point in the observations of my noble Friend which ought to have been noticed. If the position now taken by the Government be the right one, and the only one in accordance, as they say it is, with questions of high policy, how can they account for not having taken that position in the month of May last? That, Sir, appears to me to be exactly the one point of my noble Friend to which the Members of the Government who have spoken on this question ought to have addressed themselves; but they have altogether passed it over without one word of explanation. Now, it cannot be said that this matter was suddenly brought under their consideration. It has been often adverted to. With reference to the first point, the "favoured nation clause," I will make a general observation. It never was intended that this clause should be pedantically introduced in negotiations as a clause against which there was no appeal. It was to be in a great measure dependent upon the interpretation which the Minister of this country might give to it—taking all the circumstances into consideration—and, therefore, in no manner can the dry words of that clause decide the argument. But the Committee will bear in mind that in May last not a word was said upon this question—this question which is now said to be one of high policy—not a syllable was uttered by the Government, or by any Member of it, not even by the hon. Gentleman the Member for Westbury, who seems to have taken sugar peculiarly under his care. Now, Sir, I am of opinion that the Committee cannot accept this sort of scattered information and these imperfect notions thrown out by the Government as a sufficient reason for the adoption of the course they recommend. The Committee cannot so lightly pass over so serious a matter. If the case of the Government be so much dependent upon or in accordance with existing treaties, to which they refer with so much triumph—if it be, as they say, a question of high policy, how can they account for the fact that even so recently as the month of May they were unaware of its importance? And how can they account for this further fact, that not one of the Members of the Government who sat upon the Sugar and Coffee Planting Committee, even for one moment, referred to this "question of high policy," as they are now pleased to call it? It is, I repeat, impossible that the Government could have been in ignorance of the matter; for, when they were in opposition, the favoured nation clause was the subject of frequent discussion—nay, of their peculiar study. They introduced several Motions having reference to it. The effects of this clause upon the treaty with Holland, the compliance with which is now declared to be a question of "high policy," did not seem to have any weight with the Government in the month of May. Why do they so much rely upon it now? So much for the foreign refiners. Now, let us look at another point—the case of the domestic refiners. You (the Government) ought to have been able to clear yourselves with reference to the foreign refiner; but how can you clear yourselves with reference to the domestic refiner—how can you clear yourselves with the trade of England—with your own manufacturers—from this charge, that you came to this House, proposed very great changes, held out to the trade of England that you had a great boon to offer it, a great compensation, namely, that they should have the power of refining in bond in this country? You examined witnesses on this point before the Sugar and Coffee Committee; and you announced it in the House as one of the principal measures of relief. There were seven measures of relief promised by you—seven measures of relief announced. Two only have been carried—supposing those proposed to be carried — one of them, the immigration vote, to supply the Secretary of the Colonies with a fund, of which he says he cannot dispose; and the other is so slight as to be almost valueless, namely, a relief amounting to 1,400*l.* a year to the West Indian interest from the alteration of the duties upon rum. But there are two important subjects upon which the Government ought to have afforded information to the House. You ought to explain to the country why you were so ignorant of that "question of high policy" which you have introduced to us to-night with respect to foreign refined sugar; and you ought to explain why you held out those false hopes to the traders of this country with respect to domestic refined sugar. The hon. Member for Westbury favoured us to-night with a description of statistics which I, for one, must say that I always regard with great suspicion, as I listen to them with great perplexity. I cannot yield my conviction, nor make my experience succumb to those anonymous manuscript statistics. I protest against any Member of the Government enforcing his views, and claiming the assent of this House to an auxiliary of so covert and suspicious a character. I would not think it fair in a private Member to support his case with figures and statements to which nobody else could have access; but I still more strongly protest against a Member of the Administration coming forward and reasoning upon such anonymous authority. The hon. Member for Westbury has acted in this way several times, and upon some occasions with temporary effect. I am very happy to see that hon. Gentleman (Mr. Wilson) filling so distinguished a position; but then he ought to recollect that that position entails upon him a responsibility and a duty as to the information with which he furnishes the House, much higher and graver than when he addressed it as an independent Member. The hon. Gentleman will recollect that on a former occasion he favoured the House with some railroad statistics in relation to the island of Cuba, which statistics turned out to be of quite a Munchausen character. He told us that there was one-third as many miles of railway in the island of Cuba as in England; but my hon. Friend the Member for Sunderland (Mr. Hudson) soon dispelled this imaginary prosperity; and the hon. Gentleman, upon a subsequent occasion, after refreshing his memory with more correct intelligence, was forced to admit that, instead of 850 miles of railway being made in Cuba, there were only 180, and even all those lines were not finished. The hon. Gentleman, it will be remembered, quoted those fabulous returns of Cuban railways in order to show the want of enterprise and perseverance on the part of the English planters—to prove the sluggishness and total disregard of improvement in Jamaica and in our other islands. I repeat, Sir, that when a Member of the Government comes down to this House to support "a question of high policy" (according to his own phraseology), he ought not to adduce figures and calculations which cannot be examined and refuted in detail —which cannot be obtained by ordinary research, nor subjected to ordinary criticism; and what I say is the more applicable when these so-called "statistics" are not called in to aid an apparently established state of fact, a seemingly sound position, but the very reverse. Once for all, Sir, I protest against such a system being recognised or tolerated in this House. But just let me remind the Committee of the exact position of the question as regards the "favoured nation clause." This clause has never been taken and must never be considered as a limitable clause. It is to be interpreted, as I have already said, by the Ministers according to the circumstances which may arise. If you attempt to put upon it any dry or rigid interpretation, you will be, in our mercantile relations with those foreign countries, opening the door to unceasing fraud. The clause must not be construed rigidly, but equitably. Everybody is agreed that a certain bounty is enjoyed by the foreign refiner. It was the duty of the Government to have ascertained the amount of such bounty. They should have made themselves masters of this subject, and laid full and satisfactory details before the House. You have Ministers and Consuls in foreign States, you have a Secretary to the Board of Trade, and from these you ought to have procured reliable information, and not to have trusted to anonymous correspondence of Members of the Administration, whose department it certainly is not to supervise this part of the question. If the hon. Gentleman had come forward on a question of East India sugar, I could understand it, because documents relating to it might come especially under his notice from the official post he fills; but when he thus goes out of his road he ought at least to have made out a case upon which the House could rely, and left no room for doubting the authenticity of his statements. The Government seem wholly unacquainted with the real amount of the foreign bounty. One says he does not think it is so much, and another says he does not think it is worth anything; and in this ignorance the House is called upon to legislate—no authority, no data, but a bundle of incomprehensible and mysterious statistics, from which nothing could be gleaned, and which only served to give an air of fact and substance to the Government scheme. Can the Government expect that the interest affected by this measure will be satisfied with this meagre sort of explanation? Can they expect the House to receive it. Is it fair to the Committee? Is it fair to the country? The President of the Board of Trade told us nothing of the twenty-five blunders the

Ministers committed. A subject so fertile in misconception and so fruitful in blunders, ought to have been discussed at one of the many Cabinet Councils which have been lately held, and ought not to have been laid before the House of Commons until it was completely digested and maturely considered. I trust the noble Lord will persevere in his Amendment; and, if so, I will most decidedly vote with him.

MR. GLADSTONE said, the competition really to be apprehended was that of the Dutch refiner. The arguments in favour of the plan of the Government, to which he had endeavoured to give an impartial consideration, were these: first, that we ought not to leave in the hands of the British refiner the monopoly of the British market; and in the second place, that the equity, if not the strict construction of the Treaty of the Netherlands required us to admit sugar from Holland on the same terms as sugar from Belgium. As to the argument of competition, on general grounds, he could not accede to it; but if it was to be sustained not by the fair advantages of industry, but by the artificial advantages which legislation could give, it would not be a fair mode of applying the principle of liberty in commerce, to admit this competition against our own refiner. As to the treaty, he conceived it was not wise to adopt an illiberal mode of constructing treaties. If they were bound to observe the principles of equity towards foreign countries, they were bound to observe the principles of equity towards their own subjects; and if it were equitable to give a free construction to the stipulations of commercial treaty, so was it equitable to preserve the equality of footing of our own trader, and not to suffer him to be crushed by the competition of those who were sustained by the long purse of a foreign Government. He could not help observing, that the treaty with Holland, on the strength of which this difficulty was raised, was a terminable treaty. It was a difficulty which might require an exceptional arrangement for a term of twelve months, after which we had liberty to require the termination of the treaty. We came back to this question, was there a considerable bounty given by the laws of Holland to the refiner of sugar in that country, or was there not? He must say, that the evidence was what he should call demonstrative in favour of the fact that a large bounty was given to the Dutch refiner; and he had heard nothing advanced on the other side except presumption against it. The right hon. Gentleman said, it was an injurious principle, and that the refiners of Holland were seeking to obtain the abolition of this benefit; that the principal refiner had published a pamphlet against it. This would prove about as much as Lord Fitzwilliam, a principal landowner of England, publishing a pamphlet against the corn laws. Then he said that the refiners of Belgium were seeking the abolition of the bounty. The account which he had heard was very different. It was this, that the refiners in Belgium were asking that colonial sugar should be placed on a footing with beetroot sugar in Belgium; and if they could obtain equality for colonial sugar, as compared with beetroot, they were willing, by way of compensation, to give up the advantage of the bounty. Until the existence of the bounty could be disproved, and however desirable it was to see fair and equal competition applied to every article of commerce, this would not be a fair law of equal competition; but it would be calling on a private man, who had to struggle with his own resources, to enter into a conflict with those who were supported by the resources of the State.

LORD JOHN RUSSELL said, that when the right hon. Gentleman spoke of giving notice to Holland that at a certain period the treaty would cease, he seemed to forget that this was not merely a question of commerce and trade in refined sugar, but that the treaty to which he referred was a treaty regulating the trade generally between this country and Holland. Did the right hon. Gentleman think that, in order to shut out the refined sugars of Holland, it was worth while for the Dutch to place a differential duty against the commerce and manufactures of this country, thereby putting the manufactures of this country at a disadvantage, as compared with the manufactures of Germany, France, or the United States? That was the effect of the argument of the right hon. Gentleman. Then the right hon. Gentleman said, after all there was an advantage given by bounty in Holland to the refiners of Holland, therefore this country ought to impose a higher duty on all foreign sugars on account of that bounty. He did not deny that there might be some apparent advantage in that bounty being given to the refiners of Holland; but there was a great difference of opinion on the subject. Many in this country were of opinion that there was no advantage in it, while the Dutch refiners themselves considered it a disadvantage rather than anything else. There was one fact which he considered conclusive upon the point, and that was, that the refiners of this country, who had no bounty whatever, could compete in a third market with the refiners of Holland. The right hon. Gentleman, in his argument, had certainly laid down a doctrine which was anything but consistent with the principles of free trade.

Mr. HERRIES said, the whole question was one of adjustment of protection, and he thought the taunt which the noble Lord had thrown out against his right hon. Friend (Mr. Gladstone) altogether inapplicable. The whole question, he repeated, was one of adjustment, and, being so, the material point was to ascertain the precise amount of benefit which the bounty of the Dutch Government conferred. Not to take the bounty into consideration, was, in his opinion, giving to this favoured nation clause a more favourable interpretation towards the foreigner than ever was intended or anticipated. He thought it was quite in accordance with the treaty and with the duty of the Government to have apprised the Dutch Government that they would not receive its sugars with its special bounty upon the same footing as the sugar of other countries which did not enjoy such bounty. The noble Lord seemed to base his support of this scheme upon free-trade principles, so that it would appear free trade meant an under disregard of British interest, and the exposing of the British manufacturer to foreign competition at whatever disadvantage. [Lord J. Russell: I did not say so.] No, but such was the only inference which could be drawn from the observations of the noble Lord. If this was free-trade policy, he wished its advocates joy of it. It was clear that in this case it was both unjust and unequal. The noble Lord depended mainly for the maintenance of his measure, not upon argument or facts, but upon a majority of that House; for he had shown such a total want of acquaintance, not to say ignorance of the subject, as he had never before witnessed in a Minister. He would support the Amendment of his noble Friend.

Lord J. RUSSELL, in explanation, remarked that his argument was that the sugar refiner of Holland could not possess any advantage from his bounty, since the sugar refiner of this country, in the third market, suffered no disadvantage from Dutch competition.

Mr. M'GREGOR said, that with regard to the treaty with Holland, we were bound by it to admit whatever was manufactured there, as if it were the produce of Holland. With regard to the amount of the bounty, he thought he could give the Committee some information. In the year 1834, when he visited Holland, he found that half the duty (which was then very high) was the advantage which the Dutch refiner enjoyed. In 1842 the bounty was 6*s*. 8*d*. on every 220 lbs.; but that included the duty on the paper and a stamp, which reduced the whole amount to 3*s*. per 110 lbs. He had had the honour, under Lord Beauvale, of working out the details of the treaty with Austria; and he was then instructed to obtain reductions of the sugar duties, not on British colonial only, but also on foreign sugar refined in bond. It was found that British sugar refined in bond was exported to Trieste, and there competed successfully with the refined sugars of Holland. Since then a further diminution of the price had taken place; and on looking at the schedule of the Government, he did think that 24*s*. 8*d*. was too low. He considered that not less than 26*s*. 8*d*., as imposed in 1846, would be sufficient to put the refiners of this country on an equal footing with those of Holland and other countries. He hoped that the Government would alter their proposition to 26*s*. 8*d*., which would be a fair and equitable protection to the British refiner.

Lord G. BENTINCK: I am happy to find that I may claim the vote of the hon. and gallant Member (Colonel Thompson), as well as that of the hon. Member for Glasgow (Mr. M'Gregor), which I confidently calculate upon. It appears, then, that the hon. Member not only had the honour of suggesting the Tariff of 1846, but that he officiated as the representative of the Secretary of State for Foreign Affairs in working out the details of the treaty with Austria. There seems to be no office which the hon. Member does not add a lustre to. But he says that, in his opinion, the duty of 24*s*. 8*d*. ought to be 26*s*. 8*d*., and he makes the difference of the bounty 3*s*. per cwt. That is exactly my calculation—the duty I propose is assessed at that rate, and I therefore expect the hon. Member will vote with me. The noble Lord the Member for the city of London found great fault with my right hon. Friend (Mr. Gladstone) and asked him whether it was worth while to run the risk of having foreign Governments insisting on the same rule being dealt out to our manufactures which we insist shall be dealt out to them with regard to sugar? But I take leave to ask the noble Lord whether he thought it worth while, on the 28th of May, to run this risk? I have had no answer from the noble Lord on this point. He has refused altogether to join issue with us, and he has not shown how it was that, up to the 29th of May, he was prepared to maintain this difference. And I must say that I think the noble Lord's argument was somewhat disingenuous, which he endeavoured to draw from a comparison of the exclusion of our cotton manufactures from foreign markets if we persevered in insisting on a distinction between manufactures and the growth or produce. The hon. Member for Westbury has told us that the difference of freight was 2*s.* 6*d.* per cwt., and he proved this by showing that the freight by steamers was 15*s.* per ton. He makes that to be an equivalent, I imagine, by some Board of Trade process. [Mr. Wilson: Freight and charge, I said.] How, then, would the hon. Member have us believe that the charge makes all the difference between 9*d.* per cwt. and 2*s.* 6*d.* per cwt? But I apprehend the hon. Gentleman himself will admit there is a difference in the freights from the ports of London, Hull, Sunderland, Newcastle, and the other ports from which the British refiner ships his goods. Then the hon. Member says that it is for the interest of the West Indian that we should let in sugars refined in Holland at a less duty; because in the course of last autumn, when the long price of sugar fell from 48*s.* to 37*s.*, the refiner reduced his price from 68*s.* 7*d.* to 58*s.*, which was a difference of 10*s.* But how he makes out that difference I am at a loss to understand.

The Committee divided on the question, that the words proposed to be left out stand part of the question:—Ayes 87; Noes 34: Majority 53.

List of the Ayes.

Abdy, T. N.
Adair, R. A. S.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. Capt.
Blewitt, R. J.
Boyle, hon. Col.
Brockman, E. D.
Brotherton, J.
Brown, W.
Clay, J.
Clay, Sir W.
Clifford, H. M.
Cobden, R.
Colebrooke, Sir T. E.
Craig, W. G.
Dashwood, G. H.
Duke, Sir J.
Dundas, Adm.
Ewart, W.
Fagan, W.
Forster, M.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Grace, O. D. J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hardcastle, J. A.
Hawes, B.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Henry, A.
Hobhouse, T. B.
Howard, P. H.
Jervis, Sir J.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lemon, Sir C.
Lewis, G. C.
M'Gregor, J.
Martin, C. W.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Mitchell, T. A.
Morpeth, Visct.
Morison, Sir W.
O'Connell, M. J.
Ogle, S. C. H.
Paget, Lord A.
Parker, J.
Pilkington, J.
Power, Dr.
Price, Sir R.
Reynolds, J.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Salwey, Col.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, rt. hn. Sir W.
Stuart, Lord D.
Tancred, H. W.
Tennent, R. J.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Villiers, hon. C.
Ward, H. G.
Westhead, J. P.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the Noes.

Anstey, T. C.
Archdall, Capt.
Bankes, G.
Bentinck, Lord G.
Beresford, W.
Buck, L. W.
Buller, Sir J. Y.
Disraeli, B.
Drummond, H.
Dundas, G.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Gordon, Adm.
Goulburn, rt. hon. H.
Grogan, E.
Gwyn, H.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hood, Sir A.
Hotham, Lord
Hudson, G.
Jolliffe, Sir W. G. H.
Law, hon. C. E.
Miles, P. W. S.
Mullings, J. R.
Newdegate, C. N.
Pugh, D.
Richards, R.
Smyth, Sir H.
Stuart, J.
Urquhart, D.
Vivian, J. E.
Willoughby, Sir H.

TELLERS.

Barkly, H.
Baillie, H. J.

Resolutions and schedules agreed to.

House resumed.

SUPPLY—ORDNANCE ESTIMATES.

House in Committee.

Colonel ANSON said, the House was aware of the cause of the delay in bringing the estimates before it. In deference to a general expression of opinion in the House, the whole of the estimates were submitted to a Select Committee upstairs, and that Committee having sat for five months, had reported on a portion of the subject referred to, namely, the Navy Estimates. He regretted the delay which had taken place in bringing the Ordnance Estimates forward, as the particulars of the votes had been laid upon the table of the House at the proper time. The delay was productive of much inconvenience, for had the subject been brought under the consideration of the House at the usual time, he could have gone at greater length into detail, and accounted for the large increase which had taken place within the last few years. He could have explained how it was that the estimates were double the amount of those in 1828, and he could have answered any objections raised to the votes on the ground of extravagance or indifference as to the expenditure of the public money. He might, however, be permitted to say that no extravagance had taken place, and to assure the House that if he went into details they would find the expenditure to have been necessary for the efficiency of the public service. He had been told that due attention had not been paid to economy in the appropriation of the estimates; but he assured the House that the most anxious consideration had been given to confine them to the lowest possible limits consistent with efficiency in the department. The House had already voted the principal portion of the money for the service of the Ordnance Department; and it now became his duty to place the remainder of the votes—five in number—in the hands of the Chairman, and at the same time to make a short explanation with respect to those upon which there was an increase. The gallant Officer explained these otes, and concluded by moving—

> "That a sum not exceeding 316,254*l.* be granted to Her Majesty, for defraying the Pay, Allowances, and Contingencies to the Officers, Non-commissioned Officers, and Men of the several Ordnance Corps, which shall come in course of payment during the year ending the 31st day of March, 1849, 400,000*l.* having been already granted by Vote of Credit."

Sir F. BARING said, it appeared that the Committee appointed upon public expenditure had been employed for some time on the Navy Estimates. He was a Member of that Committee, and he thought when they came to read that report, that the House would not consider that their time had been wasted. The Government could not be charged with having delayed that report; on the contrary, they had forwarded their labours in every possible way, and there was no evidence they required which was not placed at their disposal. He trusted that it was the intention of the Government to reappoint next year the Committee, to take into consideration the Ordnance Estimates. [Lord J. Russell: Hear.] He was perfectly satisfied with that pledge, and he would vote the present sum upon the responsibility of the Government.

Mr. OSBORNE desired that the hon. Gentleman would give some explanation to the House of the item of 31,448*l.* for the Royal Horse Artillery. It was a corps very much kept up for the reception of ambassadors and other people. He challenged any officer of the artillery to say that it was as efficient a corps as the field artillery. It was the opinion of all the most able officers in the service, that the artillery field-battery service was the arm by which all modern battles must be fought. They might have one-third more of an effective artillery service for the same expense as they kept up a corps of Royal Horse Artillery. They were maintained at a most ridiculous expense; they were clothed as Hussars, and their dress afforded the subject of unceasing laughter to all foreigners who came into this country.

Colonel ANSON, without attempting to dispute the knowledge of his hon. Friend upon military subjects, could not help saying, that he knew very little of military service, if he did not know that the Royal Horse Artillery was one of the most efficient corps in the service. He so far disagreed with the opinion of the hon. and gallant Gentleman, that if he had the power of persuading the Government, he would recommend the increase of that corps. The corps was the cavalry of the artillery. It was the description of force most adapted for home service, in the necessity which they experienced for moving troops rapidly from one part of the country to another—from England now, unfortunately, to Ireland. As to their expense, there was only a difference of 2*d.* per diem in their pay.

Mr. HERRIES considered the observations of the right hon. Baronet (Sir F. Baring) to be deserving of the greatest consideration. He stated that the Committee were of opinion that great reductions in the amount of the estimates could be made. The Committee which had been appointed had only entered into a consideration of the Ordnance Estimates, and they had occupied a great length of time upon it. This fact demonstrated that the Government had not been sufficiently early in bringing forward their proposals. He would give his assent to the votes, as under the circumstances he had really no choice in the matter.

Admiral BOWLES hoped that the House would pause before coming to a decision on the report of the Naval Committee, until they had read the evidence on which that report was founded. From the extreme opinions held by some of the Members of the Committee, as well as from the inattention shown to certain points connected with the inquiry, he believed that many of the conclusions come to by the Committee were inconsistent with the efficiency of the public service, and the safety of the country, and such as would show that the Committee were not entitled to further consideration.

Votes agreed to.

House resumed. Report to be brought up.

House adjourned shortly before One o'clock.

HOUSE OF LORDS,

Tuesday, August 1, 1848.

Minutes.] Public Bills.—1ª Rum Duties; Parliamentary Electors; Constabulary Force (Ireland).

3ª and passed:—Administration of Criminal Justice.

Petitions Presented. From the Bishop and Clergy of Down and Connor, and Dromore, against any Relaxation of the Law of Marriage in connexion with Relationships of Affinity.—From the Clergy of Killaloe, and Kilfenora, complaining of the Unequal Pressure of the Poor Rates upon the Income of the Clergy.—From the Protestant Inhabitants of Carrigaline, Abbeylard, and a Number of other Places, against the National System of Education, Ireland. — From Bankers, Merchants, Traders, and Others, for an Alteration of the Present Law of Bankruptcy.—From the Grand Jury of the County of Armagh, Monaghan, and Queen's County, for Inquiry into the Operation of the Poor Law.—From Gentry, and Cess Payers of the County of Leitrim, praying for Inquiry as to the Application of Moneys levied by Presentment for Temporary Fever Hospitals.—From the Chairman and Committee appointed on behalf of the Unpaid Depositors of the Saint Peter's Parish Savings Bank, Dublin, complaining of Losses sustained from its Failure.

LONDON AND SOUTH-WESTERN RAILWAY COMPANY'S ACTS AMENDMENTS BILL.

Lord GRANVILLE, in moving the Order of the Day for resuming the Adjourned Debate upon the Amendment moved on the Third Reading of this Bill, briefly recapitulated the circumstances under which the Bill now came before their Lordships. A Committee had been appointed at the beginning of the Session, by the House of Commons, to consider the nature of the Railway Bills which were to be introduced during the Session. That Committee was composed of hon. Members who were fully conversant with all these matters. The Commissioners of Railways thought it their duty to suggest to that Committee that there were four Railway Bills before Parliament, in each of which unusual powers were asked, and which, consequently, demanded their special consideration, these companies seeking the authority of Parliament to become steam-packet proprietors. A report was drawn up by the Board of Trade in connexion with the Railway Department, which, after stating certain general principles, went into the question of those four Bills, and stated that, in regard to the South Western Railway, although it was not so strong a case as the Chester and Holyhead, yet they thought that there was sufficient evidence in relation to it to make it exceptional from the general rules, and that the powers asked for should be granted. It was, at the same time, recommended that the company should be limited to a certain maximum amount of fares. The whole matter was then submitted to a Committee of the other House of Parliament, over which the right hon. Baronet the Member for Tamworth presided. After a careful examination of all the facts connected with the Railway Bill, the Committee made their report, arriving exactly at the same result as the Board of Trade. The question then came up in the usual form to their Lordships' House, when a Committee was appointed, who, after an equally careful examination of all the facts, made a similar report. He believed that the objections to this Bill were, in the first place, that the company should not be incorporated with limited liability to do that which an unincorporated company of private individuals was competent to perform. In the second place, it was said that this Bill was likely to give a monopoly to a company that would prove injurious to the public. He did not think that there was any thing in the first objection; for it was a common case to see two competing companies running for a short time against each other, when an arrangement was effected, by which the competition was destroyed, and the public exposed to all the inconveniences and exactions of a monopoly. He did not mean to deny that this Bill would have the effect of giving a monopoly to one company; but he contended that it would be a monopoly that was likely to prove of the greatest advantage to the public. In the first place, it was to be limited to fourteen years; and, in the second place, the maximum rate of fares was limited. It was also the interest of the company to establish the greatest amount of comfort and accommodation for the public. He asked their Lordships' support to this Bill, because its merits were already decided by a Committee of their Lordships' House, and by two distinct Committees in the other House of Parliament. If there were any objections to be urged against this Bill, they should have been stated upon the second reading. He thought that it would be a great hardship to the company, and it would lower the character of their Lordships' House in respect to the mode in which they conducted the legislation of the country, if at this stage of their proceedings they threw out this measure.

LORD WHARNCLIFFE said, that he took the liberty of stating, on a former occasion, that whatever was done with the measure itself, they ought to be furnished with more information in respect to the decision to which the Committee of their Lordships' House had come. With that view, he had moved for the production of papers containing such information. In the course he took he did not intend to offer any opposition upon the merits; but what he felt was this, that, unquestionably, the course which had been taken in respect to the two Railway Bills in question, empowering them to have steamers in connexion with their other works, was very unusual. If Parliament felt that it was desirable to give them these powers, proper precautions should be taken to protect the interest of the public, and to provide against those cases being made precedents for future applications. He admitted that these objections ought to have been urged at an earlier stage of this measure; and he regretted that his attention had not been sooner called to these facts, when he should have certainly moved that the Committee should report specially upon this case, and should state that these were powers that should not be conferred in all cases. He did not wish to quarrel with the decision that had been come to in respect to the Holyhead and Chester line. He believed, indeed, that that decision was beyond their reach, as the Bill had been passed. He should much like to ask their Lordships to recommit this Bill for a day or two, with the view of obtaining from the Committee a statement of the specific grounds of their decision. He felt, however, that it was impossible for him to take this course now, and he, therefore, did not mean to offer any thing like opposition to the Motion of the noble Lord.

The EARL of HARROWBY was opposed to this Bill, because he felt that the result of its passing would be to interfere with all private capital and enterprise, by giving a monopoly to one particular company. This, too, would furnish a precedent which would induce railway companies to make similar applications, so that by and by these companies would, step by step, obtain a monopoly of all their steam navigation. There was a great principle here which was well worthy of their deepest attention. They had had communications by sea between Havre and Southampton, for a great number of years, which, though perhaps not as good as were likely to be conferred by this Bill, yet were well adapted to suit the convenience of the public. He had such faith in the private capital and enterprise of the country in effecting every object that was desirable, that he should object very strongly to give his consent to any measure that would confer such a monopoly as this Bill proposed. However strong he might be impressed with the importance of the proposition, he would not give their Lordships the trouble of dividing.

The MARQUESS of CLANRICARDE thought that they should not lay down any positive general rule. Each individual case ought to be judged upon its own merits, and those merits formed the subject of consideration in the Committee. His vote would be governed by the report of the Committee upon the case; for he thought it absurd to appoint Committees at all if they did not abide by their decisions. There were some instances in which the giving of powers to railroad companies to become proprietors of steam packets had been attended with consequences unfavourable to the public interest. In others, they had been productive of great advantage. He thought they had done wrong in giving those powers to the Brighton Company, who had placed boats that had been built only for the river Thames upon the passage between Brighton and Dieppe, one of the most stormy portions of the Channel. But, in the case of the Holyhead Company, although the giving of those powers conferred a sort of perfect monopoly of the passage between Holyhead and Dublin upon them, the consequence had been that the interests of the public had been vastly benefited. If the public convenience and advantage were likely to be consulted, their Lordships should sometimes run the risk of conferring a monopoly.

They should not lay down a stringent rule from which they would not depart.

Amendment disagreed to.

Bill read 3ª and passed.

House adjourned.

HOUSE OF COMMONS,

Tuesday, August 1, 1848.

Minutes.] Public Bills.—1° Steam Navigation; Fees (Court of Chancery); Provident Associations Fraud Prevention; Canada Government; Churches.

3° and passed:—Constabulary Force (Ireland); Steam Navigation.

Petitions Presented. By Mr. Thicknesse, from Wigan, Lancashire, and by other Hon. Members, from several Places, in favour of an Extension of the Elective Franchise.—By Mr. Feargus O'Connor, from Lanark, and several other Places, in favour of the Adoption of Universal Suffrage.—By Mr. Bouverie, from Maidstone, for Alteration of the Law respecting the Church of England Clergy.—By Mr. Bright, from King's Lynn, and other Places, for a Better Observance of the Lord's Day.—By Mr. Barnard, from Journeymen Bakers of Greenwich, for Inquiry into their Grievances.—By Mr. Bouverie, from Kilmarnock, respecting the British Spirits Warehousing Bill.—By Sir R. H. Inglis, from the Parish of Shadforth, Durham, against the Diplomatic Relations, Court of Rome, Bill.—By Mr. Henry, from Inhabitants of Whitworth, Lancashire, in favour of Secular Education.—By Sir Denham Norreys, from Richard de Burgho, Bart., and Others, in favour of the Fisheries (Ireland) Bill.—By Sir Benjamin Hall, from Ratepayers of the Parish of St. Pancras, complaining of the Amount of Metropolitan Police Rates.—By Mr. Bright, from Manchester, for the Establishment of National Workshops for the Poor.—By Mr. Brotherton, from Officers employed in the Preston Union, in favour of a Superannuation Fund for Poor Law Officers.—By Mr. Law Hodges, from the Board of Guardians of the Maidstone Union, against the Poor Law Officers' Superannuation Allowances Bill.—By Mr. Hudson, from the Board of Guardians of the Sunderland Union, in favour of the Poor Law Union District Schools Bill.—By Mr. Reynolds, from Master Bakers of Dublin, against the Sale of Bread Bill.—By Mr. Grogan, from several Depositors in St. Peter's Parish Savings Bank, complaining of the Losses they had sustained.

STEAM NAVIGATION.

House in Committee on the Steam Navigation Act.

Mr. LABOUCHERE proposed a Resolution to enable him to bring in a Bill to make some alteration in the law as regarded steam navigation. The object which he had in view was simple. All steamboats going to sea were required to have their machinery inspected by surveyors, and penalties were imposed on boats going to sea without such inspection; but there were no penalties attached to steamboats navigating rivers, and it was almost as important that there should be an inspection of steamboats on rivers, as of steamboats going to sea. Some cases of great abuse having lately been brought under his notice, he thought it not right to leave the public exposed to such dangers. This was the principal object of the Bill; but there was another provision in the Bill, which he thought desirable. It was to give the Board of Trade a general power to fix the maximum of passengers to be carried by steamboats. Nothing could be more unadvisable than that the Board of Trade, or any other department, should exercise a vexatious interference with the number of persons carried by steamboats. It was not necessary to exercise this power as to sea-going vessels; but it was notorious that some of the steamboats which navigated the Thames, owing to the great competition which existed on the river, were occasionally crowded in a manner dangerous to the public. He therefore proposed to give power to the Board of Trade to fix a maximum to the number of passengers which steamboats should be allowed to carry, as a maximum was fixed to the number passengers which stage-coaches and omnibuses were allowed to carry.

Resolution agreed to.

House resumed.

Bill brought in and read a first time.

NATIONAL LAND SCHEME.

Report and Resolutions of the Committee appointed to investigate the affairs of the National Land Company brought up and read.

Mr. F. O'CONNOR: Sir, there were two questions submitted to the Committee; the one was to inquire into the expenditure of the monies of the company, and the other as to the practicability or impracticability of the plan. It having been circulated, not in one newspaper, but in nearly every newspaper in the country, that I had established this plan for my own benefit, and that improper accounts were for that object kept, I beg now to appeal to those hon. Gentlemen who were on the Committee—and especially to the Chairman of that Committee—and to ask them, first, whether every facility which they thought necessary for the investigation and fair hearing of the whole case was not given to them?

Sir G. HAYTER: I bear my most willing testimony to the accuracy of what the hon. and learned Gentleman has stated. I am desirous to admit that every facility was given to the Committee for the investigation of the whole of the accounts and matters relating to this company. Every officer that we called for was at once produced. The accounts were rigidly investigated by an accountant, who was appointed by myself at the suggestion of the Committee; and the result was that which the hon. and learned Gentleman has stated to the House. Undoubtedly the accounts were kept—I will not enter into the reason why they were so kept—in an extremely irregular manner.

Sir BENJAMIN HALL: I perfectly agree that every facility was given to the Members of the Committee to investigate the affairs of the company; but at the same time, I cannot conceal from myself this fact, that the whole of the original accounts, as stated to have been audited by Mr. Cuffay and Mr. Knight, the auditors of the company, with the exception of the accounts for the quarter ending September last, December last, and November last, have been destroyed. They were not forthcoming; although I admit that, according to the data which was placed before the accountant nominated by the Committee, there does appear to be a balance due to the hon. and learned Gentleman of 3,200*l.* from the company.

Report to be printed.

CHURCH PROPERTY.

Mr. HORSMAN rose to move, pursuant to notice—

> "That an humble Address be presented to Her Majesty, praying that She will be pleased to take into Her consideration the whole condition of the Established Church as regards its Temporalities; that She will direct an inquiry to be made into the full value of all Church Property under lease, and cause such measures to be prepared as may make the Revenues of the Church more fully conducive to the religious teaching of the people."

As upon former occasions in this Session, when he had submitted to the House Motions bearing upon this subject, there had been a general concurrence in the suggestions he had made, and a virtual adoption of them, he had thought it right to take an opportunity of reverting once more to the subject. If we were, as he trusted and believed, upon the eve of some legislation upon this subject, he thought it right to express his opinion that our legislation hitherto upon ecclesiastical matters had been ineffective, because we had laid down no clear and distinct definition of the ends and uses of an Established Church. Some considered our whole array of ecclesiastical dignitaries, with their large revenues and larger patronage, their powers, and their privileges, as part of the constitution of the country, an appendage to the dignity of the Crown, a recognised portion of the State. Others regarded the incomes of ecclesiastical functionaries as revenues to be possessed without responsibility except to their own body, possessed for purposes of which the laity were not to judge, and with them were not to interfere. A third and more fatal error sprang out of our system of church patronage; so much of it being in the hands of individuals who had acquired it by inheritance or by purchase; the right being alienable and marketable had become a valuable property, and thus the greater portion of our parochial endowments had come to be looked upon in the light of private property, and had been converted by long usage into a provision for the maintenance of the friends and families of the patrons. The Church in these cases was a mere instrument for the acquisition of temporal power, honour, and advantage; and we heard continually of "prizes" in the Church. Against these views he entered his protest. He would lay down this simple proposition—that our National Church, as established by law, existed for one purpose, and one purpose only—namely, for the religious instruction of the people, the poorest and humblest of the people. It was for this that our admirable parochial system was established, that our parochial ministry was endowed, that our cathedrals were reared and dedicated, our dignitaries were multiplied, our prelates were ordained, their powers and possessions were bestowed upon them, and their revenues secured. Whatever obstructed this end should be lopped away. Now, how far did the English Church Establishment, admitting its constitution to be unimpeachable, adapt the material means committed to its charge to the full and effectual accomplishment of the end which the Church and the State alike had in view? They could not contemplate that Church without delight and instruction; not only that it presented itself in contrast with the crash of systems abroad, and even their decay at home; for, whilst in Scotland and Ireland the Church, as established by law, was the Church of the minority, in England it was the National Church. His present Motion he meant to confine to the temporalities of the Church—a branch with which Parliament could most easily deal, and to which it could most easily apply a remedy. They could also come to the resolution he proposed without the embarrassment of a controversial spirit; for all parties, whether belonging to the Establishment or not, must admit, that when the State had set apart a large endowment for special purposes, it was the duty of every man to use his best endeavours that those purposes should be wisely, honestly, and effectually carried out. Now, by the returns before the House, it appeared that the church temporalities amounted to 4,500,000*l.*, or, if they were taken at 5,000,000*l.*, it was probably under the truth. Not only might they bear comparison with the revenues of any other church, but they were greater than the whole revenue of almost all the minor States of Europe. They were greater than the whole revenue of Belgium or Naples; more than three-fourths of Holland or Spain; double that of Portugal; and more than half the whole expenditure of Prussia. Political economists taught that no national investment was so profitable as that which went to raise the standard of the character of a people, and that a nation became more wealthy as it became more moral and religious; and the people of England felt acutely that when large endowments were made they carried with them corresponding obligations to turn them to a large account. It might be expected that when a Church was rich, its ministers should be well paid, and the people religiously taught; but in England it was notoriously the reverse. In no church was to be seen such extremes of wealth and indigence, learning and ignorance, piety and absolute heathenism. In illustration of that he would refer to the returns upon the table, to the reports of their own Commissioners, and, above all, to the eloquent and pathetic appeals of the most energetic prelates in their charges to their clergy. In no country where Christianity was taught was so large a portion of the people, at least until recent days, so habitually, undisturbedly, and hopelessly removed from all its influence as absolutely to ignore its very name, as in this. The fact was acknowledged, and it was the duty of the House to provide a remedy. The Acts passed eight or ten years ago had been followed by results which their most sanguine supporters could not have anticipated; there was a new race of clergy, and the Church had been raised to a usefulness and popularity unknown bebefore. Society had been much benefited by those acts; but they could not work effectually or satisfactorily unless the machinery by which they were commanded and superintended was put in order. As on former occasions he had brought under the notice of the House the episcopal incomes, and the unsatisfactory mode of payment, he would not revert to that subject except to observe, that it was a most unfortunate part of our system that, from the moment a rev. prelate was raised to the episcopal bench, he was compelled, whatever his unwillingness might be, to give up a very large portion of his time to the administration of the temporalities of his see; and it was impossible he could have his attention so taken up without being obliged to neglect the more important duties of his station. Nor would he now revert to the subject of the cathedrals and chapters; but he must observe, that between the episcopal and collegiate bodies there was this point of distinction, that whilst the revenues of the former were the reward of the services they performed, those of the capitular bodies as now administered were given for no duty at all; and, as far as the interests of the Church were concerned, their revenues might as well be thrown into the sea. He had stated what he believed were the revenues the Church enjoyed, and he would now give the House some approximation to what they annually threw away, He believed that very few persons had any idea of the great value of the church estates that were let on lease. There was no return of their value, and, unless the Government undertook that inquiry, he believed they never would have such a return. A Committee was appointed ten years ago to make that inquiry; but whilst some persons gave them the information they required, others refused. The present Archbishop of Canterbury, then Bishop of Chester, said that the gross income of his See was 3,900*l.*, whilst the rental of the estates under lease was 16,236*l.*, making a loss of 12,336*l.* a year. The late Archbishop of Canterbury also gave a return, stating that his gross income was 22,000*l.*, but that the rental of his estates was 52,000*l.*; and the late Archbishop of York stated his income to be 13,000*l.*, and the rental 41,000*l.* Others were given; but it was not necessary that he should quote them—those he had referred to were sufficient to establish *primâ facie* evidence of what he contended for. But they at the same time were supplied with another most important document, prepared at the request of the Cabinet of that day by an eminent actuary, Mr. Finlayson, on the value of the episcopal estates under lease. That gentleman calculated that whilst the rental now received by the Church was only 262,000*l.*, it was actually worth 1,400,000*l.*; and that must be a very low calculation, as the lessors themselves stated the value of the church property under lease to them at 35,000*l.* He then suggested two modes by which the Church might obtain the full advantage of that property, either by letting the leases run out, their average duration being twenty-four years, at the end of which period the Church would come into the possession of that revenue of 1,400,000*l.*, or to sell the reversions on the leases; but, as in the former case there would be no fines during the twenty-four years, the incomes of the episcopal and collegiate bodies would have to be made up by loans on the security of those estates; and, considering the difference between what they enjoyed, independent of fines, and what their income was to be under the regulations of the Act of Parliament, and also considering that the present surplus of the episcopal fund was 16,000*l.*, the amount of the deficiency at the end of the twenty-four years would be less than two years' rental of the estates; and, perhaps, under proper management there would be no deficiency at all. By the other mode, Mr. Finlaison calculated that the income to be derived from the sale of the reversions would be 500,000*l.*; but he thought there was every reason to suppose that the surplus income would be no less than 750,000*l.* He did not say anything of either of those plans; but they showed that an enormous available surplus was now lost to the Church, amounting, on the one calculation, to nearly 1,500,000*l.*; on the other, to 500,000*l.* The ecclesiastical constitution of England had said that every parish should have its minister; and they knew that at the time when many of these questions were looked over and settled in the reign of Charles II., when Parliament was considering resolutions for making provisions for the parochial clergy, the King sent a message saying that he had taken that matter into his own hands, and he wrote to the deans and chapters not to let any impropriate tithes on lease, but so that the parochial clergy and curates had a stipend of 80*l.* a year, and a residence. A similar sentiment had been expressed by a high authority in the preceding reign. He would ask, then, how that constitution was respected now? Was it the fact that the parochial clergy were adequately paid—that they had residences within their parish, and had but the care of one district? Of the 10,500 benefices that now existed in England, there were now no less than 3,454 of which the clergy were non-resident; 4,200 were held in plurality; 4,500 had no residence at all. 3,400 were under 150*l.* a year; 6,800 under 300*l.* a year; and nearly two-thirds of the whole were under 600*l.* a year. Considering these facts, what a picture did they present of inadequate religious teaching and of the parochial clergy defrauded of that provision which the piety of a former race had endeavoured to secure for them! If they looked to the return of non-residents he was sorry to say that the Act of 1838 was not carried out with the spirit there had been reason to expect. Of the non-residents there were 2,553 having exemption and special license; but there were upwards of 900 non-residents without either license or exemption. The presumption, then, was, that the Act had not been enforced to the extent the Legislature had a right to expect. Now, they might have, as he had shown, an available surplus at the lowest calculation of 500,000*l.*, and there was also from the common fund prospectively 300,000*l.* Let them consider for a moment what they might do with that. As he had stated, there were 6,800 livings under 300*l.* a year. It was a reproach and a scandal to the country that a large body of the clergy, men of education, and having such sacred duties to perform, had incomes under the pitiful sum of 300*l.*. and he would not stop until he had used every effort to remove that scandal. Of those 6,800 livings less than half were under public patronage; and to raise them to 300*l.* a year would require 442,000*l.* To raise those that were in private patronage to the same amount, the patron contributing one-half, would require 275,265*l.*; so that by the outlay of 700,000*l.* every parish might have a resident clergyman with at least 300*l.* a year. But there would also be this advantage in so applying the surplus revenues, that if no living were under 300*l.* a year there would be no difficulty in enforcing the law as to parsonage-houses, and they would have what now cost 4,000,000*l.* or 5,000,000*l.*—a parsonage-house in every parish. But at present parishes were very unequally divided. There were 200 or 400 with a population under 300, and an income under 300*l.*; whilst there were 500 with incomes also under 300*l.*, but a population of 3,000. These might be more equally divided, so that there might be a clergyman in every parish of a manageable size and an adequate provision. But these suggestions ought to be taken in connexion with those he had laid before the House on similar subjects. In the first instance, he had ventured to call attention to the faulty mode of payment of the episcopal incomes. The House concurred in that view, and the noble Lord at the head of the Government said that the law should undergo revision. Upon a subsequent occasion he proposed a fusion of the episcopal and common fund. The House again concurred in his view that there was no justice in that distinction, and once more the noble Lord assented to the general feeling of the House. Upon a more recent occasion, he went at great length into the state of the cathedrals and chapters, and what he felt to be the abuses of them. Then again the House felt his view was one in which it generally concurred, and the noble Lord again promised him inquiry. If all those measures were reasonable, and those suggestions unobjectionable, he felt that there was still less objection to be made to that which he brought forward now, because he had high authority for it—an authority that House would respect. The inquiry he now suggested was the same inquiry insisted on, but imperfectly carried out, by the noble Lord himself in the Committee he appointed ten years ago. He felt that there was nothing very difficult or unreasonable in the suggestions he had made. Never was there a time when everything relating to the Church excited a more warm and general interest in the country—never was there a period when the laity were more active, when the clergy were more active or zealous, or when Parliament was more united in opinion. There were no party strifes or contentions to lead to a failure of measures which might be otherwise faultless in themselves; and he was certain that, on the part of the Government, and the majority of that House, there was but one feeling — that there were dangers about the establishment of the Church which they ought to endeavour, as far as possible, to avert; and there was no means so safe or prudent to attain that end, as strengthening it in the hearts of the people, and making them feel that it was a blessing by its ministrations. He trusted, therefore, that the Government would not feel it necessary to refuse this inquiry. He was certain that no good reason could be urged for that course, or even for delay; and with these views he called upon the House to express its opinion on the subject.

Sir E. BUXTON, in seconding the Motion, said the suggestions of his hon. Friend would tend to strengthen and establish the Church of these realms. It appeared to him unnecessary to go over the ground which had been so ably dwelt upon by his hon. Friend who had brought forward the proposition. The facts were plainly before them, and they had in their recollection the opinion expressed on the subject by the noble Lord at the head of the Government in the year 1836. That opinion was acceded to by a majority, though a small one, in that House; and yet twelve years had elapsed without any measure being taken to put the matter on a more satisfactory footing. They had, in fact, before them the opinions of the right hon. Baronet the Member for Tamworth, and the right hon. Gentleman the Member for the University of Cambridge, who at that time declared that though they were unwilling to devote this fund, if it existed, in order that it should take the place of church-rates, yet if such a fund did exist, they were willing and anxious that it should be applied to the extension of the efficiency of the Church. They acknowledged at that time, that it was possible to adopt an improved method of dealing with the funds, and they stated most strongly that a great necessity existed in populous districts for increased efficiency in the Church Establishment. There was also the fact, mentioned by his hon. and learned Friend, that 2,600 clergymen in the Church received but 100*l.* a year; while the total amount of the income of the Establishment was 4,500,000*l.*, which might by proper arrangements be increased by at least 500,000*l.* One point which his hon. and learned Friend had not dwelt upon, though he had stated the fact strongly, was the necessity which existed in this city and other large towns for increased means of religious instruction to the community. He had the honour to be connected with a society which had done much to bring to light the mass of dreadful heathenism which was to be found in this metropolis—the London City Mission. The noble Lord was connected with another society, the Pastoral Aid Society, established on account of the extreme necessity there was for giving increased stipends to men who were sent as missionaries among the people. He would not detain the House by reading any long quotation, but he hoped he might be permitted to refer to a short extract from the *Thirteenth Report of the London City Mission.* It spoke of Plumtree-court—

> "One end of which is in the thronged thoroughfare of Holborn-hill, a few yards east of St. Andrew's Church, and the other entrance is in Shoe-lane. On the occupation of this district by the mission, the missionary appointed to it ascertained, that although in Plumtree-court there were but thirty houses, these contained 153 families, three or four families living frequently in a single room of a house. Drunkenness, swearing, and vice of almost every description were luxuriant and unchecked. Few of the adults could even read, and of the 175 children under 14 years of age, not more than 30 attended any school, until the missionary recently established a ragged school."

Again, with regard to two courts in the immediate vicinity of some of the best parts of the metropolis, the report said—

> "Orchard-place and Gray's-buildings are two contiguous courts within a stone's throw of the aristocratic squares known by the names of Grosvenor, Manchester, and Portman. They contain 49 houses, which by a recent investigation of a missionary were found to be inhabited by about 600 families, consisting of no fewer than 1,757 persons. A highly respectable medical gentleman, who visits the courts professionally, and who is the son of a late venerated clergyman, informed the missionary, that before the hop season the population of these two little courts of 49 houses was very nearly 3,000. The disgusting scenes witnessed on exploring these 49 houses cannot be told. Of the 1,757 persons remaining in them, 1,274 were adults, of whom 484 could not read, only 14 attended Protestant worship, and but very few possessed the Scriptures. Their ignorance was extreme. One woman, for instance, when asked whether heaven or hell was the better place, replied, 'She supposed hell.' Of the 413 children in these courts 404 do not attend Sunday school, and 304 do not attend a daily school."

If a better administration of the property held under church-leases would afford the means to enable them to remedy such evils as these, he could not see how the House could refuse to address Her Majesty, praying that an inquiry should be instituted to ascertain whether such a fund did or did not exist. There was another point to which he wished to advert, and that was the great necessity there was for giving the men who were placed in these miserable and heathen districts such a stipend as to raise them above actual poverty and distress. It might be known to many hon. Members that ten churches had been recently built in a neighbourhood with which he had some acquaintance, the neighbourhood of Bethnal-green. It struck him that it was useless to build those churches and place efficient men in them unless their incomes were augmented to such an amount that they would be willing to stay there, and unless they were raised above the cares, anxieties, and distress which a very small income must occasion to the mind of any man. It must be known to many hon. Members how extremely insufficient were the present means of supplying these men with such an income as they ought to have. In his opinion, every exertion should be made in order that the funds of the Church might be applied to increase the stipends of those who devoted their lives to the missionary work. He would not detain the House longer except to say that it gave him great satisfaction that this Motion had been made, and that he hoped the noble Lord at the head of the Government would agree to it.

Lord J. RUSSELL: Sir, I have heard with very great satisfaction the speech of the hon. and learned Gentleman. I think that while he brought before the House a very important subject, he did so in a spirit for which he is entitled to credit; and that, in aiming at the improvement of the Church, he introduced no topic to which a just objection could be offered. The proposal of the hon. and learned Gentleman is certainly one well worthy of consideration; but it is at the same time encompassed with a great many difficulties of a practical nature, which it behoves every one who may undertake to bring forward a measure in detail seriously to consider before he introduces it. The property of the Church has, I think, been truly represented by the hon. and learned Gentleman —whether the exact calculations which he has quoted be correct or not, no doubt the actual property of the Church is of a value far exceeding that which is derived from it by the clergy. With respect, however, to the mode in which this property should be managed, and the alterations which should be made, there has been already a good deal of inquiry. There is, in fact, at this moment a Committee sitting on leases, which is, I am informed, about to make a report on that particular subject; and I should be sorry to say that any particular scheme ought to be adopted until I have seen that report, and fully considered to what the inquiries of the Committee have led, and what is the nature of the proposal which they make. It is obvious, that if you were to take the first scheme proposed by the hon. and learned Gentleman, that of Mr. Finlayson, and to allow the leases to run out, it would, according to the calculation made, be twenty-four years before the property would yield its full value, and you would still have to find a revenue sufficient to supply the incomes of the bishops, chapters, and clergy interested during that time. If you adopted the other scheme, and parted with the fee-simple of the estates, unless you took care to have a sufficient amount for their value, I think you would run a risk of losing the increase which you might expect from the increasing value of property, and thereby inflict an injury on the Church thirty or forty years hence, when the increase of the population will probably require that new efforts should be made. Such, Sir, is the nature of the difficulties attending this question. At the same time, I have no hesitation in saying, that I think the hon. and learned Gentleman is perfectly well founded in his main proposition, namely, that this is a source to which we should look for an increase in the value of church property; and that that increase ought to be applied to the improvement of the incomes of the clergy, and also to the providing of additional spiritual instruction. I cannot quite agree with the hon. and learned Gentleman with respect to the importance of increasing the income of each clergyman to a certain amount when it is below that amount, while there are other objects of paramount importance which might thereby be endangered. There are, for instance, a great many livings containing a population of not more than thirty, forty, or fifty persons, in remote hamlets, while at the same time there are in our great towns and in our populous districts twelve, fourteen, or sixteen thousand persons in a parish, whom the clergy at present devoted to the neighbourhood are quite unable to supply with an adequate amount of spiritual instruction. It may naturally be said, as indeed it has been said, by the hon. and learned Gentleman, that the small livings might be consolidated and united. But there are difficulties to be encountered. The advowsons may belong to persons who have an estate in the neighbourhood; and if these persons are unwilling to part with their advowsons, a practical difficulty arises, and the case is not similar to what it would be if the whole of the livings were either in the gift of the Crown or of bishops, and facilities were thus afforded for making necessary alterations. Sir, I consider, therefore, as I did at the commencement of the inquiry before the Ecclesiastical Commission, that the main defect which ought to be supplied —to supply which, though much has been done already, much more is required—is spiritual instruction for the great number of persons in parishes and districts where formerly there were very few persons. I own I consider that subject one of paramount importance, still more important than that of raising the incomes of a portion of the parochial clergy. Now, with respect to the immediate Motion of the hon. and learned Gentleman, I confess I do not think it advisable for the House to address the Queen to direct inquiry to be made into the full value of all church property under lease. I am quite prepared to take such measures as would be likely to afford some proximate estimate of the full value of church property under lease; but I own I cannot say that I think it advisable by means of the appointment of a Commission under the Crown, or by any similar means, to undertake a compulsory inquiry into the full value of this property. The hon. and learned Gentleman is aware that when, upon my Motion, a Committee of this House was appointed ten years ago, certain of the bishops and other dignitaries refused to give any return as to the full value of the church property belonging to them at that time. There was no great inconvenience in the refusal, except that the House was not furnished with the returns sought; but I think it would not be becoming for the Crown to place itself in the situation of directing an inquiry to be made, and ordering Commissioners or other persons to ask for returns, when, in case it should meet with a refusal from the bishops or other persons, it would not possess the power of enforcing the information desired. Whether or not Parliament would think proper to order an inquiry by means of an Act passed for that purpose, and thus making the granting of the returns compulsory, is another question. What the hon. and learned Gentleman proposes is, that the Crown itself should direct an inquiry to be made. I hope it will satisfy the hon. and learned Gentleman if I declare, as I am prepared to do, that I will treat this subject in a similar spirit to that in which I have treated the other subject which he has brought under the notice of the House; that I will consider the means by which inquiry may be made; and that I am entirely of opinion that the property of the Church should be made more available to the purposes of the Church than it is at present. I further entirely agree with the hon. and learned Gentleman that the system of fines is a most wasteful system. In consequence of the bishop or the incumbent having only a life-interest in the property, of course he does not take the same care in administering it as a person who has property to leave to his children or his grandchildren. It is necessary, in order that he may obtain the income assigned to him, that he should continue the system of fines. It would be far better if the property were so managed that he could receive the whole income intended for him, and not be obliged to resort to a system which diminishes the property of the Church when it is required for purposes of such great importance. If the church property were sufficient, or more than sufficient, for all the purposes to which it is applicable, then perhaps we might say that it was not of great importance if the lessees had the rent of the estates, or if only a third or a fourth part went to the Church. But as the matter now stands, seeing the important uses for which church property is required—seeing, on the one hand, the small amount of the incomes of a great proportion of the clergy where the population is considerable; and on the other hand, seeing what I hold to be a far greater evil, that there are immense masses of the population in particular districts for whom there is not provided a sufficient number either of clergy or of churches—remembering these points, I think that in dealing with the property of the Church all minor considerations ought to give way to the superior and paramount one of the necessity of providing increased religious instruction. With respect to pluralities, I think the hon. and learned Gentleman was hardly justified in saying that the measures which have been passed have not had the effect intended. Those who held pluralities, and those who had been allowed not to reside, were not interfered with by those Acts, which were intended to apply prospectively. I believe, however, that from the time when these Acts were passed, they have been of great use. Of this I am quite sure—indeed the hon. and learned Gentleman has himself borne testimony to the fact—that, owing partly to the passing of those Acts, and partly to the circumstance that so much attention has since been paid to this subject, there has been of late a great improvement with respect to the amount of instruction given by the clergy. In many cases in which there was no resident clergyman, and had been none, perhaps, for nearly a century, churches have been repaired and glebe-houses built, and the improvement in the moral and religious conduct of the people consequent upon these changes has been very satisfactory. To these few remarks I will only add, that though I do not wish to oppose the hon. and learned Gentleman, I certainly hope that he will not push to a division a Motion for an address which, if agreed to, might place the Crown in the very invidious position of asking for returns from bishops and dignitaries which it might, in the end, be unable to obtain.

Sir R. H. INGLIS said, the hon. and learned Member for Cockermouth had on that, as on a former occasion, triumphed without a battle; he had gained a virtual concession which might well satisfy a more ambitious mind. Assuming, therefore, that there would be no division, he rose for the purpose of calling attention to one or two points which he thought ought not to pass without notice. The hon. and learned Member for Cockermouth spoke of the income of the Church as amounting to 4,500,000*l.*, and the hon. Member for South Essex, who followed him, stated that income at 4,000,000*l.* Now, without entering very deeply into details on this subject, he might ask whether it were or were not true, according to the returns, that the amount received in respect of tithes, by parochial incumbents, did not amount to 2,350,000*l.*; and that in order to make up an amount in any degree approaching 4,000,000*l.*, it was necessary to add a sum of not less than 735,000*l.*, which was passing away quietly into the pockets of laymen, who might be Jews or infidels. Another matter to which he wished to call the attention of the House was, that whatever the Church gained by resuming property held under lease, the lessees would lose; and it should be recollected that for a long series of years this property had been considered as much the beneficial property of the lessees as any copyhold land in the kingdom. He was not saying anything about the right to this property, which he, in common with the hon. and learned Gentleman, considered to belong to the Church; but he referred merely to the practice which had prevailed. In the remarks of the hon. Baronet the Member for South Essex (Sir E. N. Buxton), on the spiritual destitution of the metropolis, he fully concurred; but, admitting that it was their duty to relieve that destitution, he said that the relief must be provided from legitimate sources. With respect to inquiry, an Act of Parliament, as his noble Friend had said, might make a reply imperative; but that was a very different course from inviting the Crown by an Address of that House, to issue a Commission, which might be stultified by the refusal of parties to furnish information. Under these circumstances, he was glad that his noble Friend was not prepared to assent to such an Address, though, practically, the hon. and learned Member for Cockermouth had gained his object. With the single exception to which he had already alluded, the hon. and learned Member had stated the facts of his case very fairly; though, of course, he did not concur in his conclusions: but there had been no reference to individuals which could give pain to anybody, and no assertion of a principle which he thought a true churchman might not maintain. The hon. Baronet concluded by expressing a hope that the hon. and learned Member would not press his Motion to a division.

Mr. PAGE WOOD said, the House must be almost unanimously of opinion that of all properties devoted to great and useful purposes, that in question had been the most mismanaged; and therefore it was most important to ascertain the extent of property sacrificed. He did not entertain the fears expressed by the noble Lord with regard to the result of the commission of inquiry. The property under consideration stood upon much the same footing as property in general devoted to corporate purposes, with respect to which the fullest information had been obtained by means of a commission. He did not believe that the bishops, deans, chapters, and other dignitaries of the Church would think it right or respectful to withhold information sought with a view to the diffusion of the blessings of religion. The evil originated in the great act of spoliation which took place in the reign of Henry VIII., when the property taken from the then holders was handed over partly to laymen, in which case it was charged with none of the duties which formerly attached to it, and partly to spiritual persons whose situation was totally different from that of their predecessors. He was no advocate for the celibacy of the clergy; but undoubtedly under the celibacy which formerly prevailed, there was an *esprit de corps* on the part of the great body of the clergy which induced them to apply to the building of churches, and to the purpose of endowment, any property which became vested in them. It was a great evil in the Act for restraining leases, that church estates could only be let for twenty-five years at the accustomed yearly rent. A great deal had been done since in fraud of that Act, for although the rents now appeared trifling, they were at the time considerable, being the rents actually paid. Had the words "without fine, premium, or foregift" been inserted, they would not then have to lament what had occurred. He would mention a case which had come under his own knowledge, and in doing so he wished it to be distinctly understood that he did not intend to make any personal charge. He alluded to the case of the dean and chapter of York. The question was, as to the mode adopted to raise funds towards rebuilding the cathedral, and this was done under the sanction of Parliament. This power was obtained under the Act of the 1st of the present Queen. That Act, which was a private Bill, gave power to that body to sell their estate of Serjeants'-inn, Fleet-street, on the ground that it was a great distance from the other estates of the dean and chapter of York; and it stated that it was for the interest of the Church that they should sell it. The Act provided that one-sixth of the amount obtained should be devoted to the rebuilding of the cathedral, after the fire which had taken place; and it then directs that inquiry should be made as to how much should be paid to the dean and chapter for any interest they might have, and that the remainder should be devoted to the purchase of other estates near that city. He regretted that it was not stated in the Act of Parliament how much should be given to the dean and chapter, instead of referring the matter to a master in Chancery; for if that had been done, he was sure that the dean and chapter themselves would not have sanctioned it. The actual amount obtained for the sale of the estate was 11,465; this was subject to reductions for the remainder of the leases, but this probably did not amount to much, as they had only five or six years unexpired. Having then sold the estate for 11,465*l.*, it was found that the costs and expenses to be deducted amounted to nearly 1,400*l.* This reduced the amount to 10,079*l.* They then went to the master to determine how much should be deducted for the dean and chapter, for the life-interest they had in the property. The result was, after these deductions 6,700*l.* was left for the purchase of other property; for 1,669*l.* was to be paid under the Act towards the rebuilding of the cathedral, and 1,669*l.* for the benefit of parties interested. His hon. Friend had been found fault with by the hon. Member for the University of Oxford for stating as he did the income of the Church. He believed the amount of tithes already commuted was nearly 3,000,000*l.*, or at any rate 2,990,000*l.* This amount, with the additions stated by his hon. Friend, and more especially the fines for ecclesiastical leases, would make up the 4,400,000*l.* There was this curious fact stated with respect to the income now managed by the Ecclesiastical Commissioners. This income now produced, or at least would shortly produce, 300,000*l.*, while the original estimate of the amount which would be received, was only 120,000*l.* When then they took the whole revenue of the Church, and when they referred to the income from the property under the management of the Church Commissioners, were they not justified in saying, that the income might by proper care be raised to 5,000,000*l.* ? Neither his hon. Friend nor himself had said that this amount of revenue was too much for the purpose to which it was devoted. For his own part he believed that a revenue could not be devoted to a more beneficial expenditure than for the benefit of those who performed the important duty of imparting spiritual instruction to the community. When the House looked to the duties which the clergy had to perform, and the vast benefits which were secured to the country from the proper discharge of these duties, he was satisfied that they would admit that too great importance could not be attached to them. He would mention a fact which had come under his own knowledge as to the beneficial effects which had arisen from the diffusion of spiritual knowledge by the exertions of a clergyman in a large town in the north of England. The place he alluded to contained from 150,000 to 160,000 inhabitants, and the clergyman who had to superintend the religious instruction of this large number of persons had, besides building several churches, founded Sunday-schools containing 120,000 children, with 800 teachers. Very recently, while Bradford, in the immediate neighbourhood of this place, was greatly agitated, and when it was necessary to call out the troops to suppress the disturbances, not a single case of rioting occurred in Leeds. This showed the advantage of religious instruction among the great body of the people. With these facts before them, it was of the utmost importance that there should be no delay in the inquiry which had been promised by the noble Lord at the head of the Government.

Mr. GOULBURN could not refrain from expressing his satisfaction at the tone and manner of the hon. Mover's speech; and, as he had differed from him on former occasions, he was then anxious to take that opportunity in expressing his concurrence in what had on the present occasion fallen from him. Still, he felt that this was a question of some difficulty and of great delicacy, and required great care in dealing with it. They had had experience in the year 1833–34 as to inquiries put to the clergy as to the amount of their incomes. He believed, with very few exceptions, these inquiries had been answered; the intentions of the House had been complied with. The hon. Gentleman, however, did not merely call for the amount of the incomes of the bishops and clergy, but he called upon the lessees of the Church to make discovery of the income which they derived from the property of the Church. This was a very different thing from dealing with an inquiry, the object of which was to increase the spiritual efficiency of the Church. He therefore repeated, it required the greatest delicacy and caution on the part of the Government in dealing with the subject in the way proposed. The hon. Member who had brought forward the Motion had pointed out in language in which he (Mr. Goulburn) entirely concurred, the necessitous situation of a large portion of the parochial clergy of this country, and expressed a desire that every clergyman should have an income of at least 200*l.* a year. The hon. Gentleman endeavoured to show that this could be effected by a different management of church property, and based his calculations on returns to which he referred. He confessed that he could not agree with the hon. Gentleman; that he could not agree with much that had fallen from him on this part of the subject; and, above all, as to the administration of the funds by the Church Commissioners. He (Mr. Goulburn) had been connected for some years with the administration of those funds which the Ecclesiastical Commissioners had confided to them. They, after long reflection, had found that it was better to proceed to new endowments in larger places, where there was a great want of spiritual instruction. Each succeeding year they had afforded aid in building, and providing clergy in the metropolis and its vicinity, and other populous places, because these were of a more pressing nature. He agreed with the hon. Gentleman as to the evils of non-residence; and it was most desirable that they should get rid of the system as soon as possible. If, however, the House would look back to returns laid on the table some years ago as to non-residence, and compare them with similar returns at the present time, they would find that the number of such cases had materially diminished. He would call the attention of the House to a return on this subject, which was laid on the table in 1835. If they looked to that return they would find that the number of benefices then existing in England was 10,571. Of this number there were 6,792 cases of resident clergy, and 3,779 of nominal or non-residence. According to another return in 1844, it appeared that the number of benefices had increased to 11,127; and instead of there being 6,792 resident clergy, the number had increased to 8,300; and the number of non-residents, from 3,800, was diminished to 2,100. Then, between 1844 and 1848, means had been taken by the Church Commissioners to assist in building residences for the clergy, so that they might fairly assume that the number of non-resident clergy had been greatly reduced since 1844. If they looked to the proceedings of the Ecclesiastical Commissioners, they would also find 488 additional districts had been provided with the means of spiritual instruction, and that in 665 benefices the incomes of the clergy had been increased, and that very recently aid towards building residences for the clergy had been afforded in 120 instances. He was far, however, from saying that all had been done that could be effected. On the contrary, more was requisite; and he was ready to give every aid to any sound measure which would make their present resources more available for the religious instruction of the people in connexion with the doctrines of the Church. It still happened, in some parts of the country, that the mode of dealing with landed property was by taking large fines on the granting leases, somewhat similar to what were called bishops' fines. As far as the lay classes were concerned, this system was being gradually diminished; and as far as the clergy were concerned, there was a growing feeling on the part of those having the management of ecclesiastical affairs, to look on the management of the property of the Church, not so much in regard to the interests of their families, as to the great objects which would be promoted by a better management of this property. Many instances of this had come under his own knowledge in connexion with deans and chapters. As these were the conscientious views of those holding church property, he believed, even without the intervention of Parliament, a great improvement would take place in the management of it, with the view to the better promotion of the religious instruction of the country. At the same time he might add, that he believed that any sound measure for that purpose would meet with the general concurrence of the clergy, as well as the people of this country.

Motion withdrawn.

House adjourned at Nine o'clock.

HOUSE OF COMMONS,

Wednesday, August 2, 1848.

Minutes.] Public Bills.—1° Militia Ballots Suspension.
2° Remedies against the Hundred.
Reported.—Loan Societies.
3° and passed:—Sale of Beer.

Petitions Presented. By Mr. Heald, from Members of the Wesleyan Chapel at Burnley, Lancashire, for a Better Observance of the Lord's Day.—By Mr. Hume, from several Ministers of the Baptist Denomination, for the Withdrawal of the Regium Donum Grant.—By Mr. M'Gregor, from several Sugar Refiners, against the Admission of Foreign Refined Sugar.—By Captain Pechell, from the Journeymen Bakers of Brighton, for Inquiry into their Grievances.—By Mr. Greenall, from several Lodges of the Independent Order of Odd Fellows, for an Extension of the Benefit Societies Act.—By Mr. Cardwell, from several Merchants, and Others, of Liverpool, for Extending the Habeas Corpus (Ireland) Bill to that Place.—By Mr. M'Gregor, from Elizabeth, Margaret, Ann, and Jane Horne, complaining of the Conduct of certain Trustees, who withhold a Special Bequest made in their favour in 1808.—By Mr. Masterman, from the Corporation of the London Assurance, against the Assurance of Life Policies Bill.—By Colonel Lowther, from Officers employed in the East Ward Union, Westmoreland, in favour of a Superannuation Fund for Poor Law Officers.—By Mr. M'Gregor, from Robert Rettie, Civil Engineer, for an Inquiry respecting the Railway and Marine Night Signals.—By Mr. Cardwell, from the Liverpool Guardian Society for the Protection of Trade, in favour of the Remedies against the Hundred Bill.—By Spooner, from Colwich, Staffordshire, in favour of the Sale of Beer Bill.

LANDED PROPERTY (IRELAND) BILL.

Mr. S. CRAWFORD moved that the order for going into Committee on this Bill be discharged. At this period of the Session, he felt that it was quite hopeless to proceed with the Bill; but he appealed to the right hon. Baronet (Sir G. Grey) to take care that the object of this Bill should be considered by the Government previous to the next Session. He hoped that the Secretary for Ireland would also give his attention to the subject, in order that some Government machinery might be constructed for the better working of the Bill.

Order discharged. Bill withdrawn.

REMEDIES AGAINST THE HUNDRED BILL.

Sir W. CLAY moved the Second Reading. He explained the state of the law. By the 57th of Geo. III., cap. 19, remedy was given against the hundred for damages inflicted by a riotous assembly upon any shop or building, and the inhabitants of the city, town, or hundred, were bound to make full compensation to the person damnified. Up to 1827, that was the state of the law. By the 7th and 8th of Geo. IV., cap. 27, all prior Acts relating to the liabilities of the hundred for injuries by riotous assemblages were repealed. Scotland was omitted from that Act. By an Act passed in the same Session (cap. 31), that liability was partially restored; and the effect of the law of 1827 was, that there should be no remedy against the hundred unless the injuries should have been done by persons who should be decided to have been guilty of felony by the Act. By an Act of the same year (1827), it was made felony to demolish, pull down, or destroy any buildings, wholly or in part, by persons riotously assembled; but it had been held by judges that such demolishing or beginning to demolish was not felony within the meaning of the Act, unless there was evidence that the rioters, if not prevented by the civil power, would have totally demolished the premises. This was a very anomalous state of the law, and, to render it still more so, a different system prevailed in Scotland; for the 7th and 8th of Geo. IV. did not extend to Scotland, but the 57th of Geo. III. did extend to Scotland; so that at the present moment the law in that country was in the same state as that to which he wished to restore it in England. His object was to amend the law, so that in all cases of damage inflicted upon property, the party damnified should obtain prompt redress, whether the act by which the injury was inflicted should be esteemed to be felony or only misdemeanour. The hon. Member concluded by moving the second reading of the Bill.

Sir G. GREY said, the law had been altered by the right hon. Baronet the Member for Tamworth when Home Secretary; there had been no opposition to that alteration, and he (Sir G. Grey) could not consent to the restoration of the law to the state in which it had stood before that alteration, so as to make the hundred liable for every pane of glass that might be broken. The reason the principle of the Act now in force was not fully carried out, was owing to the absurd distinction between felony and other offences; for the law said that the offence must be felony to make the hundred liable. Although he was not prepared to go the length of this Bill in altering the law, he was quite willing to consider whether some better test than felony might not be applied to the offence making the hundred liable. At the same time he could not consent to make the hundred liable in every case.

Bill read a second time.

SALE OF BEER.

Bill read a third time.

Mr. C. BERKELEY proposed the omission from the Bill of the words, " before half-past twelve o'clock in the afternoon." His object was to strike out of the Bill all words requiring public-houses to be closed until some definite time on the Sunday, leaving in the Bill the provision compelling them to be closed during the morning service.

House divided on the question that the words proposed to be left out stand part of the Bill:—Ayes 59; Noes 24: Majority 35.

List of the Ayes.

Arkwright, G.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Beresford, W.
Bernal, R.
Bramston, T. W.
Brisco, M.
Brotherton, J.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cobden, R.
Courtenay, Lord
Craig, W. G.
Duncan, G.
Duncuft, J.
Edwards, H.
Ferguson, Sir R. A.
Forster, M.
Frewen, C. H.
Fuller, A. E.
Greenall, G.
Grey, rt. hon. Sir G.
Gwyn, H.
Hastie, A.
Henley, J. W.
Henry, A.
Hood, Sir A.
Hope, A.
Hotham, Lord
Howard, P. H.
Hume, J.
Inglis, Sir R. H.
Jervis, Sir J.
Jolliffe, Sir W. G. H.
Kershaw, J.
Legh, G. C.
Lewis, G. C.
Lockhart, A. E.
Maule, rt. hon. F.
Milnes, R. M.
Monsell, W.
Moody, C. A.
Morpeth, Visct.
Newdegate, C. N.
Paget, Lord A.
Palmer, R.
Pearson, C.
Raphael, A.
Robartes, T. J. A.
Rutherfurd, A.
Sandars, J.

Smith, J. B.
Stafford, A.
Stanton, W. H.
Willoughby, Sir H.
Wilson, M.
Wood, W. P.
Wortley, rt. hon. J. S.

TELLERS.
Duckworth, Sir J. T. B.
Patten, J. W.

List of the NOES.

Divett, E.
Elliot, hon. J. E.
Evans, Sir De L.
FitzGerald, W. R. S.
Fox, W. J.
Greene, J.
Heald, J.
Hodgson, W. N.
Lushington, C.
Osborne, R.
Pechell, Capt.
Pilkington, J.
Salwey, Col.
Spooner, R.
Stuart, Lord D.
Stuart, H.
Tenison, E. K.
Thompson, Col.
Townley, R. G.
Vane, Lord H.
Wakley, T.
Wall, C. B.
Williams, J.
Wrightson, W. B.

TELLERS.
Berkeley, hon. C. F.
Gibson, M.

Mr. M. GIBSON moved the omission of all the words relating to the closing of public-houses until the termination of divine service.

The House divided on the question that the words stand:—Ayes 58; Noes 25: Majority 33.

Mr. HUME moved to strike out from Clause 4 the words "ready-made coffee or tea."

The House divided on the question that the words stand:—Ayes 34; Noes 44: Majority 10.

List of the AYES.

Arkwright, G.
Armstrong, R. B.
Bramston, T. W.
Brisco, M.
Brotherton, J.
Buxton, Sir E. N.
Carew, W. H. P.
Craig, W. G.
Dick, Q.
Duncuft, J.
Edwards, H.
FitzGerald, W. R. S.
Frewen, C. H.
Fuller, A. E.
Greenall, G.
Grogan, E.
Gwyn, H.
Heald, J.
Hood, Sir A.
Hope, A.
Hotham, Lord
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Lewis, G. C.
Lockhart, A. E.
Mackinnon, W. A.
Moody, C. A.
Morpeth, Visct.
Raphael, A.
Rutherfurd, A.
Sandars, G.
Spooner, R.
Townley, R. G.
Wilson, M.

TELLERS.
Newdegate, C. N.
Patten, J. W.

List of the NOES.

Anderson, A.
Armstrong, Sir A.
Berkeley, hon. H. F.
Berkeley, hon. C. F.
Campbell, hon. W. F.
Cobden, R.
Colebrooke, Sir T. E.
Courtenay, Lord
Divett, E.
Dodd, G.
Duckworth, Sir J. T. B.
Du Pre, C. G.
Evans, Sir De L.
Forster, M.
Fox, W. J.
Greene, J.
Hall, Col.
Hastie, A.
Henley, J. W.
Hildyard, R. C.
Hodges, T. L.
Hodgson, W. N.
Howard, P. H.
Lushington, C.
M'Cullagh, W. T.
Ogle, S. C. H.
Osborne, R.
Paget, Lord A.
Palmer, R.
Pechell, Capt.
Pilkington, J.
Robartes, T. J. A.
Salwey, Col.
Sidney, Ald.
Smyth, Sir H.
Spearman, H. J.
Stafford, A.
Stuart, Lord D.
Stuart, H.
Thompson, Col.
Wall, C. B.
Williams, J.
Willoughby, Sir H.
Wortley, rt. hon. J. S.

TELLERS.
Hume, J.
Wakley, T.

Words omitted. Bill passed.

House adjourned at a quarter-past Five.

HOUSE OF LORDS,

Thursday, August 3, 1848.

Minutes.] Public Bills.—2ª Bankrupts' Release; Regents' Quadrant Colonnade.

Petitions Presented. From the Grand Jury and Magistrates of the County of Leicester, for the Establishment of Reformatory Institutions for Juvenile Offenders.—By Lord Stanley, From North Meols, and Parish of Rufford, against the Sale of Intoxicating Liquors on Sundays.—From the Presbytery of Strathbogie, praying for Inquiry into the Necessity of Endowments of Schools for the purposes of Education (Scotland).

STATE OF IRELAND.

Lord BROUGHAM said, that in pursuance of the notice which he had given, although it was not in the Notice-paper, he rose to move—

> "That an humble Address be presented to Her Majesty for Copy of any Proclamation issued by The Lord Lieutenant of Ireland, for the Apprehension of Persons charged with treasonable Offences."

There was no opposition to this Motion; but, in moving it, he wished to take the opportunity, before the Session closed, of offering a few observations on a subject of the highest importance, namely, the present disturbed state of the sister country. He thought that this most preposterous movement—this most unjustifiable breach of the law—this outrage upon the public peace—dictated, to all appearance, by misguided enthusiasm on the part of some misled people, but by personal vanity on the part of others—that this rebellion, for the first time become not merely detestable, but even more contemptible than detestable, because it seemed to have arisen, not from ambition, but from mere personal vanity—that this most monstrous violation of social order had reached its end for the present, and that the vigorous exertions of the law by the lawful authorities of that country would prevent it from breaking out again, at least for a season.

And if any one thing could give more confidence than another of this happy result being attained, it would be the appointment, the wise and judicious appointment, of Sir Henry Hardinge. [A Noble LORD: Lord Hardinge.] He begged pardon—Lord Hardinge; but it was very natural to refer to the name which had been illustrated by deeds of such transcendent excellence as that which had marked the career of that eminent person, rather than to the title by which he had been in some small degree compensated for those illustrious achievements. And when he (Lord Brougham) said that great commendation was due to his noble Friend (the Duke of Wellington) for having made so judicious a selection, and to the Government for having adopted it, he ought to add that great commendation was also due to that great captain for having undertaken the service; for, coming as it were from under the shade of those laurels under which he was seeking the blessing of that repose he had so well earned, and putting himself in a position which must be anything rather than gratifying to a British soldier to fill. Lord Hardinge had shown another instance of that self-denial which had marked his whole course, and had afforded a marvellous contrast and a memorable example to those wretched persons against whom he had to act; for, not consulting his personal glory, his ambition, or his love of fame, he had taken a secondary command under an excellent officer, Sir Edward Blakeney, now in chief command of the forces in Ireland; he had shown that he belonged to the school of his noble and illustrious Friend; and, in imitation of his noble Friend's example, he looked not who was leader on his right or on his left when he had a public duty to discharge, but at once and instantly sacrificed all personal considerations for the good of his country. Of him it might be justly said, as had been said of another great man in ancient times—*Plurimum audaciæ ad capessenda pericula, plurimum in ipsis periculis constantiæ et concilii.* He (Lord Brougham) had a right to consider it of the greatest consequence that Lord Hardinge would give the advantage of his assistance in council to the head of the Irish Government; so that the noble Lord would not have gone over to that country in vain, although matters might have been decided before his arrival there. But, though the disturbance was over for the present, he (Lord Brougham) was by no means prepared to be lulled into a state of absolute security in respect to the future. He did not see reason to believe that all this mass of wickedness and folly and discontent which had for so long a time been suffered to collect and ultimately ferment till it had broken out into something like a flame, could all of a sudden be extinguished and reduced to order; or that the parties to it could be speedily reckoned among the peaceful population of the country. Circumstances might still require the continuance of a firm administration of those new powers which had been conferred upon the Irish Government; and he confidently believed that neither their Lordships nor the country would have reason to complain of the manner in which those powers would be used. Though he did not wish to reflect upon the past, yet, with a view to the future, and to gather from the past a guide for their future conduct, he could not avoid casting his eye back a little to what was said to be the cause of this incipient rebellion. No doubt one could not erase from one's memory all the events of latter years, as one might, as it were, the figures from a slate, after the balance had been cast up and the account finally settled. He feared that the accounts were as yet not finally settled; and it was that fear which placed him under the necessity, for a minute or two, of referring to the figures which had led to the present unhappy result. Now, he would say nothing of the long series of misgovernment under which Ireland, by all Administrations, had been suffered to linger, and by which its march towards prosperity had been retarded. He would say nothing of its religious dissensions, or of the peculiar circumstances of the landowners, or of the peasantry of Ireland, though he owned he had heard with the greatest satisfaction the result of the Committee which had been presided over by his noble Friend opposite (Lord Monteagle)—he meant the Colonisation Committee. He believed that their Lordships could not better employ themselves during the ensuing vacation than in studying the evidence and the reports of that Committee. They would find in those reports suggestions of a practical nature. The subject of colonisation was not new to him (Lord Brougham), for he believed that forty-eight years had elapsed since he had first given his attention to it. Although he had been a Member of the Committee, and felt a very deep interest in the subject, he had been unable to attend more than once or twice, as he had other business of importance to attend to; but, if he had been able to have been present, he should have found presented to his mind very important suggestions on the subject of emigration. This subject of colonisation, as the noble Lord opposite (Lord Monteagle) well knew had occupied his attention, not merely of late years, but long since he had carefully considered the matter. They proposed to deal with one of the most important parts of colonisation. The question was not as to mere emigration, but as to the proper course to be taken by the mother country to people the colonies. He thought that the labours of the Committee would throw great light on the path they ought to pursue, and would enable them to proceed to a safe and practical end. He would refer to one difficulty with which they would have to contend. This country had colonies with immense resources, and fertile regions in Australia, and all but boundless regions of the finest land in North America, with a most scanty and inefficient population; and, as was said by his lamented friend the former Governor of our possessions in that part of the world, he meant the late Earl of Durham, who said in his report that the unoccupied lands in Canada were far more fertile than the fertile lands adjacent to them in the United States. To cultivate and to turn to account all these boundless regions, and to take advantage of rich domains which were hardly limited in extent, and by numerous rivers and harbours most admirably adapted for the purposes of commerce—to take advantage of all these resources, they had a most scanty and insufficient population. He would merely refer to one fact which had come out before the Committee, and with which his noble Friend opposite must be well acquainted. What would the House think when he stated that it had been found on undoubted evidence that in Australia 900,000 sheep, or somewhere near a million of sheep, had been obliged to be sacrificed and put to death, in consequence of the impossibility of the inhabitants to find a sufficient number of shepherds to tend their flocks. If he had wished for an illustration to show the wants of the colonies in this respect, and if he spoke for hours on the subject, he could not give a more striking proof of the necessity of his proposition, namely, that every safe and proper means should be taken for increasing the population of the colonies. It was clear to demonstration that the influx of labour into the colonies would not only make them flourish, but it would also be attended with the influx of capital into them; for where there was a want of labour it was impossible that capital to any considerable extent could flow thereto. But do not let it for a moment be imagined that there were not difficulties in connexion with the question of emigration; on the contrary there were very great difficulties to be contended with. He would mention one or two of them. They wanted to remove from the mother country a portion of the excess of population to the colonies, in order to do good both to the mother country and the colonies; but, unhappily, it did so chance that the very sort of people whom the colonies most wanted, were the very sort of people whom the mother country wished the least to spare. It was not the desire of the mother country to send out to the colonies a number of dissolute, lazy, and idle persons, who nevertheless really formed the excess of her population; she did not wish to send out criminals, that they might repeat their offences in the colonies. No such thing. On the other hand, the mother country did not want to send away the industrious and the honest; for it was the bad she wanted to get rid of, and not the good. Here, then, was the difficulty; but he could not help expressing his fervent hope that a real remedy for the evils under which Ireland had long laboured, would be found in a judicious application, as far as was possible, of those principles of colonisation which had been at length recommended by a Committee of their Lordships' House. He would not dwell further upon this point; but he could not dismiss the subject on which he had been addressing their Lordships without saying that there were evils in the present unnatural state of Ireland—a state now becoming, he feared, habitual to the people—which he apprehended they had treated too mildly in the beginning. They had allowed things to go on under the notion—and a very laudable notion—of not interfering with the right of the people to meet in public and discuss their grievances. They were afraid to trespass upon the right of discussion, or what was now called, by a new technology, agitation, which he (Lord Brougham) understood in a meeker and milder sense to mean only discussion, but which in the stronger and major sense meant something like resistance. Constant meetings were held, and addresses made to large popular assemblies in different places, varying only in character as to their days of meeting, but forming in reality only one body, and all agreeing in one bad spirit. These things were allowed to go on, week after week, and year after year, as if there were so many Parliaments sitting in Dublin, Cork, and Limerick, at the same time. The meetings were held under various pretences; sometimes electioneering, and at other times for discussion, but at all times for agitation. Their Lordships had allowed all this to go on until it had come to pass that there was now one Parliament sitting here by law in London, and another Parliament sitting in Dublin, if not contrary to law, certainly in such a way as to lead to, and tending, peradventure, to a breach of the law. That was what had been going on year after year, for purposes of agitation and organisation. Then, again, a revenue had been raised by these popular bodies. He would remind them of what occurred with respect to some of the Whig leaders in the years 1794, 1795, and 1796, at the time Mr. Pitt was Minister. A loyal subscription was raised for the purpose of aiding the Government in carrying on the war, when his much-lamented friend, the late Lord Grey, and Mr. Fox, moved resolutions in the other House, that it was contray to law and the constitution to raise money for such purposes without the consent of Parliament. What would Mr. Fox have said, when he declared that it was illegal to raise funds for the purpose of aiding the Government, if he had found that money, under the name of rent, was raised, not to aid the Government, but to put it down; not to preserve the peace of the country, but to break it; not to suppress the French Revolution, but to produce a revolution nearer home? These arguments against raising money by such means would have derived very considerable weight from the nature of the purposes for which it was raised. This illegal Parliament in Ireland, then, had gone on borrowing money, not for the purpose of giving alms or relieving distress, but for purposes the most dangerous to the peace of society. These proceedings had been allowed to be carried on against the constituted authority of Parliament, and the authors of this agitation had been permitted to carry on these proceedings to the extent of open rebellion. When they suffered men to sow such dangerous seeds, such must they expect they would reap. The result had been that the whole country—at least, if not universally yet topically all over the country, had talked of open rebellion. They had proceeded to make the peasantry soldiers to war against the Government, and they had openly discussed the right to resist the Government with arms. These proceedings had been allowed to go on to a most dangerous extent. On this point he felt bound to observe that he had never, in the whole course of his life, read with more unfeigned and unmixed astonishment any document which had emanated from any public servant, than he read the letter of Mr. Labouchere, telling the Irish people that it was their right to carry arms under the circumstances which he mentioned. Their right to carry arms! Who doubted it? Not only was it the right of every subject to carry arms, but even resistance was their right, and might in some cases become their duty. But who would preach that doctrine in a country full of agitation? Who would give advice that resistance was a right, to a people who were all but arrayed in rebellion against the Government? Who but a driveller or a madman? Led away by his own feelings in admiration of that maxim, the right hon. Gentleman had suffered himself to use language most ill-timed and most ill-placed. Well, having come to this state of things, what was to be done? He did not suppose the spirit of insurrection was yet put down. It was not enough that the leaders had for a time been subdued. The rebel chief might be prosecuted for horse-stealing, and might suffer for it as others had done, for aught he (Lord Brougham) knew. He might be held up to that ridicule which he had brought upon himself and upon his cause. But that ridicule he (Lord Brougham) must look over—

> " —— Hi joci seria ducunt
> In mala."

He must look to what might come from abler chiefs. Their Lordships might hear of no more outrage; but the agitators would not be quiet. They would have recourse to secret meeting, and to a system of clubs. Such was his entire belief; and he, therefore, tendered that suggestion respectfully and in a friendly spirit to the Government; and earnestly advised them to consider the propriety of speedily taking steps by legislation, if the law was not at present sufficient, but, if sufficient, then by executing the law to prevent those secret meetings and that system of clubs. When he saw that fifteen proclamations had been issued —that eight counties and parts of seven other counties, comprising the most important portion of Ireland, had been proclaimed, he could not help considering how much the existence of clubs had contributed to bringing about this state of disturbance. The measure which had received their Lordships' sanction, and which was commonly called the Suspension of the Habeas Corpus Act, was, in his opinion a most important preventive measure; but, as Burke had observed long ago, it was a necessary evil of all preventive measures that, although of all others the best, although of all others the most beneficial, they always lacked somewhat of evidence in their justification; that, just in proportion to their being effectual for their object, the mischief they were intended to prevent never rose to our sight—we never saw the cause which justified them. On this side of the water he felt convinced that no objection would be urged against this enactment, and he was sure that it would be found most beneficial in aiding in the restoration of tranquillity. Even if no such measure had passed, he did not expect that anything like a convulsion leading to a dismemberment of the empire would have taken place; but still there could be no doubt but that a great deal of bloodshed and a great deal of misery would have resulted, above all to innocent persons, not merely to the dupes of the traitorous parties, but to others who would have no share whatever in the disturbances that would take place. He had thrown out a suggestion the other day to his noble Friend, which he hoped would be taken into consideration by the Government, with respect to the inconvenience of a long prorogation of Parliament at such a period as the present. He had made the suggestion, because he knew what the effect would be of Parliament sitting, and of those evil-minded persons knowing that a few hours could only pass over before the Legislature interposed, with whatever powers might be necessary to put down any attempt at disturbances that they might perpetrate. Before sitting down, he wished to say one word as to what had taken place with respect to the passing of the last measure of coercion. Their Lordships had a Standing Order which prevented any measure from going through more than one stage in a single day. That Standing Order might be dispensed with; but that they had unfortunately the Standing Order, No. 104, which required that no Standing Order of their Lordships' House could be dispensed with without one day's notice. The resolution which their Lordships had come to on Monday week was, therefore, in effect, that whereas one Standing Order provided that no Bill be passed through more than one stage in any day, and another Standing Order provided that no Standing Order of the House be rescinded without twenty-four hours' notice; be it therefore ordered that the Lord Chancellor shall put the question three or four times over in one sitting. He thought that a rather absurd *non sequitur* to arrive at; and as there could be no doubt but that it might be necessary to pass to measure through all its stages at a single sitting, he was of opinion that the Standing Order No. 104 ought not to be continued. In 1794 Mr. Pitt passed his measure through all its stages in a single day; and again, when the mutiny broke out in 1798, a similar course was adopted. Again, in 1803, when the news arrived of the massacre of Lord Kilwarden in Dublin, a Bill similar to that lately adopted by their Lordships was passed through all its stages, in both Houses of Parliament, in a single night. If the Government had asked their Lordships to adjourn for one hour on Saturday, until the Bill had passed through the other House of Parliament, and if they had adopted the precaution of having the Court in town, the measure might have been sent over to Dublin on Saturday night, and thus certain disaffected persons might have been arrested before they could have had time to leave the city. Having thus directed the attention of their Lordships and of the Government to these topics, and more especially to the necessity of suppressing the club organisation, and with a cordial hope that they would hear no more for the present of rebellion in Ireland, he would beg to move for the production of the papers to which he had already alluded.

The Earl of WICKLOW said, that as his noble and learned Friend had alluded to the fact of seven or eight counties in Ireland having been recently proclaimed, he wished to offer a few words of explanation with respect to one of these counties (Wicklow), with which he was more immediately connected. It was quite true that there were several counties in Ireland guilty of rebellion and disaffection; but he could answer for that county, that it was not from any danger of disturbances there that the Government had found it necessary to proclaim it. The accounts which he had received from various quarters convinced him that the county of Wicklow was perfectly free from all disturbance; but from the circumstance of its being adjacent to the county of Dublin, the Government found it necessary to place the whole or a portion of it under proclamation, in order to prevent arms from being removed there from Dublin. He agreed with his noble and learned Friend, that the insurrection had been suppressed in Ireland. In common with every person who resided in that country, he rejoiced at that circumstance; but what gave him the greatest gratification was, to find that the disturbances had been put down by the people of that country themselves. If the insurrection had been put down by the military force, if one of Her Majesty's regiments had come into contact with the rebels, and put them to flight, the inference would prevail here that the people of Ireland were not able to compete with the Saxon; but now they had the gratification of knowing that the insurgents had been put down by the people of Ireland themselves—by people of the same country and of the same religion as those who were arrayed against them. He had always regarded the police force of Ireland as one of the most useful and best organised bodies in existence; and he had again to congratulate their Lordships on this additional and striking instance of their fidelity and efficiency.

The Marquess of LANSDOWNE: It is not my intention to offer any objection to the Motion of my noble and learned Friend, or to follow him into any of the details or incidental remarks with which he has introduced it to the House; but still I feel it to be necessary to make some few observations, after what has fallen from him on this occasion. In the first place, although I am enabled, from all the information that has reached me on the subject, decidedly to concur in the opinion of my noble and learned Friend, that this insurrection—if it deserves that name—is practically at an end; and that, whether owing to the incapacity or the cowardice of the leaders, the attempt to excite the people to violence has signally failed—although I concur fully in that opinion, still I feel bound to say that I do not on that account think that there ought to be an entire cessation of that apprehension or that alarm which the atrocious attempts of these parties were calculated to create, or a return to that confident assurance on the part of the Government which would warrant a suspension of the precautionary measures that have been recently adopted. These measures, which every circumstance connected with the safety and welfare of this country has for some time called for, are in my opinion necessary now as much as ever. Let it not be supposed that because the means—the atrocious means—adopted to foment this insurrection have shown themselves to be powerless for any effectual result, or for any good which these promoters of rebellion might have proposed to themselves, by establishing a republic in that country—let it not therefore be supposed that they may not have had, and may not still have, a power to effect an amount of mischief calculated to create alarm—that these means, although insufficient to accomplish the ends which the promoters had in view, may not still be sufficient to disturb and unsettle the country. I, therefore, think that my noble and learned Friend has taken a correct view of the state of public affairs in Ireland when he has admonished Her Majesty's Government, and admonished Parliament, not to relax in their attention to the condition of that country. I take this opportunity of stating that while, as my noble and learned Friend well knows, Her Majesty's Government have at this moment been enabled, by an Act of extraordinary character—but not more extraordinary than the nature of the occasion fully called for—to exercise a great power in controlling dangerous individuals in that country, that still—and more on this subject I will not, however, now say—it may become necessary, even before the close of this Session of Parliament, to renew an Act which my noble and learned Friend is perhaps aware expires about this time, and which it has been customary to renew from time to time for a certain number of years, for the purpose of putting down unlawful associations and secret oaths in Ireland. I will venture to assert that not one of your Lordships will doubt the expediency of renewing that Act at its expiration towards the close of this Session; and I am likewise inclined to the opinion that when it is submitted for your approval it may be a question deserving the consideration of this and of the other House of Parliament whether some addition and amendment may not be made to it. I do not know that it is necessary for me, on the present occasion, to say more as to what has passed in Ireland.

My Lords, there is now a pause in the opposition to Her Majesty's Government in that country; but as the insurrection has come to a sort of head within the last fortnight, I confess that I feel some satisfaction in feeling that it has manifested itself with sufficient distinctness to prove in the minds, not only of the people of this country, but of all mankind—the utter, the abominable falsehood of the reports circulated in that country, and which made a part of the stock of policy made use of by these rebels, in endeavouring to bring their guilty desires to pass—that not only Her Majesty's soldiery were affected with a disloyal spirit, and were not to be depended upon in the event of a conflict, but also that the police in that country were similarly disaffected. The unfounded nature of that charge has been very properly referred to by my noble Friend behind me (the Earl of Wicklow). I perfectly concur in what he has stated; and I know that from those best acquainted practically with the character of that body, the assertion that the police force was in the slightest degree affected by a spirit of disloyalty met from the first with the most decisive refutation. No man who considers every act done by that body, individually or collectively—for there have been instances of individual loyalty, and judgment, and devotion, as remarkable as those which have distinguished the force when acting together—but must admit, that on every occasion when they have been brought into action, the most unequivocal proof has been afforded that on that body—composed as it is of Protestants and Catholics, and persons of all denominations and parties—the fullest reliance can be placed—that they are conscious of the duty which they have to perform, and are determined to adhere to it. With regard to the observations which my noble and learned Friend has made as to the expediency of not proroguing Parliament, or at all events of keeping Parliament within reach, in the event of these unfortunate affairs taking a different turn from what we hope and have justly reason to expect will be the result, I may say, that it is not the intention of Her Majesty's Government to prorogue Parliament for more than a short time in the first instance; for although it is probable that no state of things may arise which would require that Parliament should be assembled in any short time, I think it necessary that we should have an opportunity of calling Parliament together if occasion requires, My noble and learned Friend has alluded to causes affecting the state of the population of Ireland, and to the necessity of promoting emigration. I entirely agree with my noble and learned Friend as to the importance of this subject. It is one that is surrounded by difficulties; but these difficulties ought to be considered with a view of their being partially, if not entirely got rid of; and the subject, I can assure my noble and learned Friend, is one that will engage the attention of Her Majesty's Government.

The Earl of DESART said, that if it had not been for the treason-mongers connected with the Irish press, and the dissemination of treasonable speeches and writings, the present dangerous state of things would never have arisen; and he could not but help thinking that the Government ought to have adopted some steps to prevent these practices at an earlier period. He had seen, in March last, that one of these treasonable meetings had been held in Kilkenny, at which three of the principal speakers were magistrates, and one of these persons, Dr. Cane, declared that he was ready to head the rebels; and if he fell in battle, he demanded that the city of Kilkenny should feed and clothe his family. These persons all still held Her Majesty's commission of the peace; and Dr. Cane presented the anomaly of having that commission while he was at the same time lying as a felon in a prison. He thought that if proper steps had been taken in time, the rebellion would not have assumed the importance which would seem to have attached to it from the fact of the late Governor General of India having been sent over to take the command of the troops engaged in putting it down.

The Duke of WELLINGTON: Although it appears to me to be agreed upon on all sides on this occasion, from what has fallen from your Lordships, that the danger which has occurred in Ireland is not likely to occur again, and that there is no probability of an immediate outbreak, or indeed of any outbreak at all, in consequence of the measures that have been taken by the authorities, and in consequence of the good conduct of those bodies that have been referred to by my noble Friend who spoke from the second bench (the Earl of Wicklow), and which is certainly beyond all praise; although, I say, it appears that there is no probability of any other outrage taking place at any period, still I think it appears to be agreed by all your Lordships who have spoken on this occasion—and I entreat of all your Lordships to reflect on this state of things—that a conspiracy still exists throughout Ireland—that bodies secretly formed, bodies among whom there is a secret combination, bodies trained in some degree in arms, bodies bound together by a description of organisation that can be turned to military purposes—that these bodies do exist in the country, that they require the anxious observation and attention of the Government, and that Government must still continue in a state of preparation to resist all the consequences that may result from the existence of such bodies in that country, under the management and direction of those who have already occasioned this outbreak, which we all rejoice has been so easily put down. My Lords, I am happy to learn that Her Majesty's Government will continue to attend to the existence of these bodies, and that they intend to consider the propriety of introducing further measures to prevent the recurrence of such evils as have taken place in future; and if possible to guard against a repetition of such conspiracies and combinations throughout that country as have obliged this country to make such efforts in order to put down these evil consequences. My Lords, in this contest I am convinced your Lordships will trust to Her Majesty's Government to do everything that is called for, and that you will agree in the adoption of such measures as they may think necessary until the evils of which we complain disappear altogether.

Lord MONTEAGLE said, that he would offer a very few words on this question; but he wished to observe, in reference to what had been said by the noble Earl opposite (the Earl of Desart), that if any complaint was to be made of the conduct of the Government, for having confined themselves within legitimate bounds, they were only entitled now to greater confidence in the measures that they thought necessary to recommend to Parliament. But the measure of proclaiming the county Wicklow and other peaceable places, in order to prevent their being made receptacles for the arms removed from disturbed districts, proved the inefficiency of the law. Every one at all acquainted with Ireland knew that the arming of the peasantry had been going on during the last two years as regularly as the arming of the dockyard battalions. And the consequence of the mode of operation of the Act had been, that the respectable classes had been deprived of their arms by the turbulent; whilst those who ought not to have been allowed to be possessed of arms, could not be interfered with by the authorities, except in the proclaimed districts. In his (Lord Monteagle's) own district, he did not know one person of respectable position in life, who was entitled to have arms, who had not been despoiled of them by the turbulent peasantry. But surely, if they allowed the house of every well-disposed person to be broken into by the turbulent, whilst they deprived the magistrates of the power of examining the houses of the disaffected, it was a great anomaly in their legislation. Now, whilst they had military possession of Ireland, the work most required to be done was to get possession of all the arms in Ireland. They should not bring in an Arms Act of a temporary nature. They should not have discussions upon the subject every second or third year. They should at once make the deprivation of arms, or at least the restricted possession of arms, in Ireland, a permanent Act. Before he sat down, he should say that he entirely concurred in the observations made by his noble and learned Friend (Lord Brougham) upon the subject of colonisation; and he should also say, that, although they had heard from the highest authority that the rebellion was at an end, and that it had been put down by the noble conduct of the constabulary, he yet thought they should not treat the outbreak too lightly. They might feel assured that it had been prevented from exhibiting any great force by the means that had been adopted to put it down; for surely no one would venture to say that it could have been suppressed by the constabulary alone, without the strong military force that had been prepared to assist them. His noble and learned Friend had alluded on a former occasion to the alleged sympathy exhibited in the United States for the Irish insurgents; and had stated, the addition of some of those rebel orators might add much to the excitement in their favour. But he (Lord Monteagle) had reason to know, that at the time of the prevention of the apprehended outbreak in London, in April last, there was no nation on the face of the earth that felt greater delight at the manner in which it had been put down than the soundest portion of the citizens of the United States.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Thursday, August 3, 1848.

Minutes.] Public Bills.—1° Criminal Law Administration Amendment; Registers of Sasines, &c., (Scotland).

2° Churches; Militia Ballots Suspension.

Reported.—London (City) Small Debts; Farmers' Estate Society (Ireland); Paymaster's Offices Consolidation; Highway Rates; Distilling from Sugar.

3° and passed:—Loan Societies.

Petitions Presented. By Lord Ashley, from Inhabitants of Burton Bradstock, Dorsetshire, in favour of an Extension of the Elective Franchise.—By Sir R. Peel, from the Rector of Waterstock, Oxford, for the Prevention of Simoniacal Practices in the Church of England.—By Lord Ashley, from the Congregation of Wesleyan Methodists of Fawcett Street Chapel, in the Borough of Sunderland, for a Better Observance of the Lord's Day.—By Sir James Graham, from the Parochial Board of the United Parishes of Liff and Benvie, against the Marriage (Scotland) Bill.—By Lord Ashley, from the Inhabitants of Leamington, in favour of the Places of Worship Sites (Scotland) Bill.—By Mr. Osborne, from Walter Gilchrist Whicker, of Portesham, Dorset, respecting the Waste Lands in New South Wales.—By Lord Ashley, from Edward Samuel Byam, for an Investigation of his Services.—By Mr. Bankes, from the Protestant Inhabitants of Bridport, against the Diplomatic Relations, Court of Rome, Bill.—By Lord Ashley, from Reading, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. G. J. Turner, from John Webb, of Coventry, Enameller, for Inquiry respecting the Management of Guy's Hospital.—By Mr. Packe, from the Grand Jury of the County of Liecester, for the Establishment of Industrial and Reformatory Institutions for Juvenile Offenders.—By Mr. Clay, from the Bonded Creditors of the St. Marylebone and Finchley Turnpike Trust, for Continuing the Marylebone and Finchley Road Acts.—By Lord George Bentinck, from the Inhabitants of the City of St. John, New Brunswick, against a Repeal of the Navigation Laws.—By Mr. Jackson, from the Guardians and Overseers of the Poor of the Town of Tranmere, Chester, in favour of the Poor Law Union Charges Bill.—By Lord Ashley, from a Number of Working People of Stepney, in favour of the Public Health Bill.—By Mr. Duncan, from the Parochial Board of Dundee, against the Registering Births, &c. (Scotland) Bill.—By Lord Ashley, from the Rural Deanery of North Meols, in the County of Lancaster, for a Repeal of the Sale of Beer Acts.—By Mr. Duncan, from the Directors of the Aberdeen Mechanics' Institution, against the Scientific Societies Bill.—By Mr. Clay, from Ratepayers of the Town of Kingston-upon-Hull, for an Alteration of the Law of Settlement.

SUGAR DUTIES BILL.

The House went into Committee on the question that the duty on white clayed, or sugar equal to white clayed not being refined, be for every cwt. 15*s.* 2*d.*

Lord G. BENTINCK said, that the duty of 15*s.* 2*d.* as now proposed by the hon. Baronet, was not in due proportion to the duty on refined sugar, as regulated by the old scale of duties. The duty in the second amended scale was proposed to be 18*s.* on double refined sugar, and 16*s.* on single refined, that being a reduction of 1*s.* 6*d.* for the higher class sugars, and 1*s.* 4*d.* for the lower class. By that rule, white clayed sugar was charged half as between muscovado and single refined sugar, which made the duty 15*s.* 2*d.* So long as the duty on single refined sugar was 17*s.* 4*d.*, that might have been a fair distinction; but when they had reduced it to 16*s.*, the proper rate would be 14*s.* 6*d.* The Chancellor of the Exchequer might say that the 16*s.* duty was an amalgamation of the duties of 18*s.* and of 17*s.* 4*d.*; but that was no answer, for it was perfectly clear that the duty should have been reduced from 15*s.* 2*d.* to 14*s.* 6*d.* for the years 1848 and 1849; that then it should be reduced to 13*s.* 4*d.*, and in 1859 to 12*s.* 5*d.* To show the absurdity of the present rate as it stood, it was only necessary to compare the difference between the muscovado British, and the foreign brown clayed, which was 7*s.* Then let them compare the duty on white clayed British, which was reduced to 6*s.* 5*d.* So in proportion as they had a superior classed article, the less was it charged. It was 9*s.* 4*d.* on double refined sugar, it was 7*s.* on muscovado. He should therefore move the substitution of 14*s.* 6*d.* for 15*s.* 2*d.*

The CHANCELLOR of the EXCHEQUER had imposed a higher rate of duty on the white clayed sugar, as the article imported from the East Indies was of a finer description that that which was imported from the West Indies. He did propose to maintain the same relative differences between white clayed sugar and muscovado. He was not prepared to take from the West Indies the advantages thus obtained from them.

The Committee divided on the Amendment:—Ayes 29; Noes 99: Majority 70.

List of the Ayes.

Barkly, H.
Bentinck, Lord G.
Burrell, Sir C. M.
Christy, S.
Dick, Q.
East, Sir J. B.
Edwards, H.
Floyer, J.
Fuller, A. E.
Gwyn, H.
Halford, Sir H.
Hamilton, G. A.
Henley, J. W.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Jolliffe, Sir W. G. H.
Lennox, Lord H. G.
Manners, Lord G.
Newdegate, C. N.
Packe, C. W.
Robinson, G. R.
Sandars, G.
Somerset, Capt.
Spooner, R.
Stuart, J.
Urquhart, D.
Verner, Sir W.

TELLERS.

Hudson, G.
Anstey, T. C.

List of the Noes.

Abdy, T. N.
Anderson, A.
Arundel and Surrey, Earl of
Baillie, H. J.
Baring, rt. hon. Sir F.
Barron, Sir H. W.
Bellew, R. M.
Berkeley, hon. Capt.
Bouverie, hon. E. P.
Bowles, Adm.
Bowring, Dr.

Brotherton, J.
Brown, W.
Bunbury, E. H.
Campbell, hon. W. F.
Cardwell, E.
Chaplin, W. J.
Cholmeley, Sir M.
Clay, Sir W.
Clements, hon. C. S.
Denison, J. E.
Divett, E.
Dodd, G.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Evans, Sir D. L.
Fagan, W.
Ferguson, Col.
Ferguson, Sir R. A.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Freestun, Col.
Gibson, rt. hon. T. M.
Gordon, Adm.
Goulburn, rt. hon. H.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Halliburton, Lord J. F.
Hastie, A.
Hastie, A.
Hay, Lord J.
Hayter, W. G.
Headlam, T. E.
Henry, A.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Howard, P. H.
Jervis, Sir J.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Lewis, G. C.
Locke, J.
Lushington, C.
Mackinnon, W. A.
M'Gregor, J.
Marshall, J. G.
Matheson, Col.
Maule, rt. hon. F.
Meux, Sir H.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
O'Connell, M. J.
Ogle, S. C. H.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Pinney, W.
Power, Dr.
Rendlesham, Lord
Rich, H.
Russell, Lord J.
Rutherfurd, A.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Stanton, W. H.
Stuart, Lord D.
Tancred, H. W.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Turner, G. J.
Vyvian, Sir R. R.
Willcox, B. M.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.

TELLERS.
Tufnell, H.
Hill, Lord M.

On the second division of the Schedule,

Lord G. BENTINCK observed, that in this division of the schedule there were six fresh blunders; but as they were blunders in favour of the West India planters, he had nothing to say against them. The hon. Member for Westbury (Mr. Wilson) shook his head. So he had to the other quarter of a hundred blunders in the scheme; and it was only when the right hon. Gentleman the Chancellor of the Exchequer became convinced of the mistakes, that the hon. Gentleman became suddenly convinced of them also. The duty, as it was proposed for 1848-1849, was 17*s.*; it ought to be 16*s.* 6*d.* The duty for 1849-50 was 15*s.* 8*d.*, it ought to be 15*s.* 3*d.* The duty for 1850-51 was 14*s.* 4*d.*, it ought to be 14*s.* The duty for 1851-52 was 13*s.*, it ought to be 12*s.* 3*d.* The duty for 1852-53 was 12*s.* 5*d.*, it ought to be 12*s.* 3*d.* The duty for 1853-54 was 11*s.* 10*d.*, it ought to be 11*s.* 6*d.* It was not until 1854-55 that the proposed duty became correct. The right hon. Gentleman had taken a wrong datum line for his calculations. There was another trifling blunder of little importance, except as a blunder. The drawback on refined sugar was intended to be 1*s.* 4*d.* more than on bastard sugars. The duty ought in that case to have been 16*s.* 3*d.*, not as it was proposed to be, 16*s.* 4*d.*

The CHANCELLOR of the EXCHEQUER was understood to say that the noble Lord was not correct in the grounds of calculation which he had advanced. The schedule was of very little importance; but with the view of obtaining for the West India body a greater degree of protection than they now enjoyed, the duty on British brown clayed sugar was fixed in the same proportion above that on muscovado sugar, as was the duty on foreign brown clayed above that on foreign muscovado.

Lord GEORGE BENTINCK moved the restoration of Clause 6 of the Act 9 and 10 Vic., c. 63, namely, "sugar not to be entered, *bonâ fide* the growth and produce of the foreign country from which it is imported." The effect of this clause would be to protect the refiner of this country from the refined sugar of the Continent; and the warehouseman of this country from the sugar warehoused in Antwerp, Amsterdam, and Hamburg.

Clause brought up and read a first time. On the question that it be read a second time,

The Committee divided:—Ayes 31; Noes 78: Majority 47.

List of the Ayes.

Anstey, T. C.
Bentinck, Lord G.
Brisco, M.
Christy, S.
Dodd, G.
East, Sir J. B.
Floyer, J.
Fuller, A. E.
Goulburn, rt. hon. H.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hamilton, G. A.
Henley, J. W.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Hudson, G.
Lockhart, W.
Meux, Sir H.
Mullings, J. R.
Newdegate, C. N.
Packe, C. W.
Repton, G. W. J.
Robinson, G. R.
Seymer, H. K.
Sibthorp, Col.
Spooner, R.
Stuart, J.
Urquhart, D.
Willoughby, Sir H.

TELLERS.
Barkly, H.
Baillie, H.

List of the Noes.

Abdy, T. N.
Adair, R. A. S.
Anderson, A.
Anson, hon. Col.

Armstrong, R. B.
Arundel and Surrey, Earl of
Barnard, E. G.
Berkeley, hon. Capt.
Blackall, S. W.
Bowring, Dr.
Buller, C.
Bunbury, E. H.
Callaghan, D.
Campbell, hon. W. F.
Clements, hon. C. S.
Cowper, hon. W. F.
Denison, J. E.
Divett, E.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Elliot, hon. J. E.
Ferguson, Sir R. A.
Forster, M.
Fox, R. M.
Freestun, Col.
Gibson, rt. hon. T. M.
Greene, J.
Grenfell, C. W.
Grey, R. W.
Hallyburton, Lord J. F.
Hastie, A.
Hay, Lord J.
Hayter, W. G.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Howard, P. H.
Jervis, Sir J.
Labouchere, rt. hon. H.
Lewis, G. C.
M'Gregor, J.
Mitchell, T. A.
Morpeth, Visct.
Morison, Sir W.
Morris, D.
Mowatt, F.
Muntz, G. F.
Ogle, S. C. H.
Paget, Lord C.
Parker, J.
Pechell, Capt.
Pinney, W.
Power, Dr.
Ricardo, O.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, J. A.
Smith, J. B.
Stanton, W. H.
Stuart, Lord D.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Townshend, Capt.
Villiers, hon. C.
Ward, H. G.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hn. Sir C.

TELLERS.
Tufnell, H.
Craig, G.

Lord GEORGE BENTINCK moved a clause to permit the British refiner to enter his sugar refined in bond for home consumption on the same terms as foreign refined sugars. All the British refiner asked was, that he should be placed on an equality with the Dutch refiner, leaving to the Dutch refiner all the advantages he obtained from the bounty in Holland.

Clause brought up.

On the question that it be read a second time,

The CHANCELLOR of the EXCHEQUER opposed it. The noble Lord was first the friend and then the opponent of the West Indian interest. Such a clause as this would not be palatable to the West Indian interest. Under this clause it would be impossible to prevent fraud. He was, however, willing to consider this question before next Session; but if any measure were introduced it must be far more general than that proposed by the noble Lord. He (the Chancellor of the Exchequer) had lately been waited upon by several refiners, and they expressed themselves as opposed to the proposition of the noble Lord.

The Committee divided:—Ayes 41; Noes 73: Majority 32.

List of the Ayes.

Anstey, T. C.
Barkly, H.
Bentinck, Lord G.
Brisco, M.
Brown, W.
Christy, S.
Disraeli, B.
Divett, E.
Dodd, G.
Duncuft, J.
Floyer, J.
Fox, W. J.
Fuller, A. E.
Greene, J.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hamilton, G. A.
Hastie, A.
Henley, J. W.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Hudson, G.
Lockhart, A. E.
Lockhart, W.
Mitchell, T. A.
Mullings, J. R.
Muntz, G. F.
Newdegate, C. N.
Osborne, R.
Packe, C. W.
Sandars, G.
Sibthorp, Col.
Sidney, Ald.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stuart, J.
Thompson, Col.
Urquhart, D.
Williams, J.

TELLERS.
Thompson, G.
Smith, J. B.

List of the Noes.

Abdy, T. N.
Adair, R. A. S.
Anderson, A.
Anson, hon. Col.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baillie, H. J.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. Capt.
Blackall, S. W.
Boyle, hon. Col.
Brotherton, J.
Buller, C
Bunbury, E. H.
Callaghan, D.
Campbell, hon. W. F.
Cholmeley, Sir M.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Elliot, hon. J. E.
Ferguson, Sir R. A.
Forster, M.
Fox, R. M.
Freestun, Col.
Grenfell, C. W.
Grey, R. W.
Hay, Lord J.
Hayter, W. G.
Henry, A.
Heywood, J.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Jervis, Sir J.
Labouchere, rt. hon. H.
Lacy, H, C.
Lascelles, hon. W. S.
Lewis, G. C.
M'Gregor, J.
Morpeth, Visct.
Morison, Sir W.
Morris, D.
O'Connell, M. J.
Ogle, S. C. H.
Paget, Lord C.
Parker, J.
Pinney, W.
Power, Dr.
Ricardo, O.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, J. A.
Somerville, rt. hn. Sir W.
Stanton, W. H.
Tancred, H. W.
Thornely, T.
Tollemache, hon. F. J.
Villiers, hon. C.
Ward, H. G.
Westhead, J. P.
Willcox, B. M.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.
Tufnell, H.
Hill, Lord M.

House resumed.

Report to be received.

CORRUPT PRACTICES AT ELECTIONS BILL.

House in Committee.

On the 2nd Clause,

Mr. ANSTEY reiterated his objections to the Bill. It was an *ex post facto* measure, violating the great principle of jurisprudence, which declared that no man should be tried twice for the same offence. He moved the omission of the words "made on the spot by the Commissioners."

The Committee divided on the question that the words stand:—Ayes 79; Noes 16: Majority 63.

List of the Noes.

Arkwright, G.
Bennet, P.
Bentinck, Lord G.
Dick, Q.
Gwyn, H.
Henley, J. W.
Hobhouse, T. B.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Lygon, hon. Gen.
Mullings, J. R.
Newdegate, C. N.
Rushout, Capt.
Sibthorp, Col.
Spooner, R.

TELLERS.
Anstey, T. C.
Urquhart, D.

Clause agreed to.

On the 3rd Clause being submitted for consideration.

After two more divisions on Amendments proposed by Mr. Anstey,

The House resumed.

Committee to sit again.

THE URQUHART CORRESPONDENCE.

Lord J. RUSSELL moved to discharge the order for an address respecting Mr. Urquhart's correspondence, and to substitute an amended order. An order for an address was made on the 3rd April, and, after a few words from his noble Friend the Secretary for Foreign Affairs, the House consented to the order being made. Afterwards an address was moved which his noble Friend thought was in accordance with what had been agreed to between him and the hon. Gentleman, and the Motion accordingly passed without opposition, being at once agreed to; but on looking afterwards at the address, it appeared that the address was for the correspondence of a particular year—that of 1837, which was not the year for which his noble Friend had wished to give the correspondence. The correspondence which his noble Friend proposed to give was the correspondence between Mr. Backhouse and Mr. Urquhart, of the years 1838 and 1839, relating to the *Portfolio.* The address which was moved was for papers of the year 1837, relating to the recall of Mr. Urquhart from Constantinople. His noble Friend said that if his attention had been called to the date, he should not have consented to its production; therefore it was by mistake, and through misunderstanding, that that address was ever carried as an unopposed address. If it had been assented to by his noble Friend, and agreed to by the House, there would have been no reason for rescinding the order; but as it had been carried as an unopposed address, he moved that the order be rescinded, for the purpose of substituting a Motion for an address for copies of correspondence between Mr. Urquhart and Mr. Backhouse of the years 1838 and 1839, instead of the year 1837.

Mr. URQUHART: The case lies in a nutshell. It is a question merely of veracity. I must first beg the House to observe the extraordinary character of the Motion before it. You are required to rescind an order to adapt it to a false return which has been made, and papers are to be given to me which I never asked for and will not take. The noble Lord now says that he never concurred in the Address. His words are on record, as I shall presently show. I now assert, upon my honour, that the understanding on his part and mine was complete. There was no kind of doubt. He knew the papers I meant, assented to the demand I made, and now he comes down to call upon you to rescind that order upon the plea that it was in ignorance he acceded to it. Then comes the second plea, in reference to the amended order of April the 19th. He says he had allowed it to pass in inadvertence, and that I had not submitted the order in the form to which he had assented to it. I again declare, upon my honour, that the noble Lord assented to the amended order, and that if not in his handwriting, as I believe it was, it passed through his hands. You are called upon to rescind your order upon grounds that are not true. If the facts were as they are now sought to be represented, would not the noble Lord have corrected the error when he perceived it? Would he have waited for two or three months, and then, and at my repeated solicitations only, make a return to the order of papers which the order did not specify? Is not this subterfuge incompatible with the pretext? Surely the case is self-evident. There is deception in its very face. I acquit the noble Lord (Lord John Russell) of any intentional part in it. He is now put forward as he has been on many other occasions. He is the tame elephant on which the noble Lord (Lord Palmerston) is to ride over this as he has ridden over so many other fords. What that noble Lord has said to-night has been merely put in his mouth. He has repeated what on the 30th June was stated by the noble Lord (Lord Palmerston) himself, to which I gave the most direct and emphatic contradiction, and to which the noble Lord had then not a word to reply. It might suffice for me now to say, as I then said, that there is not a word of it true; but I will recall the circumstances.

It will be in the recollection of the House that on the 6th March I called upon the noble Lord, in consequence of his having imputed to me corrupt motives—that is, that in consequence of being recalled I had made charges against him—to retract his imputations or to bring forward the proofs. I said that the correspondence with reference to that recall would prove that there was no personal quarrel between the noble Lord and myself, and that the noble Lord falsely pretended a personal quarrel, thereby to meet the charges which I brought against him. My reason for bringing forward this case was not private—it was public. Despite the contempt with which this House may receive the assertion, I say that the whole range of these important interests which are connected with or belong to our foreign affairs, have been followed and understood only by the noble Lord and myself; that, therefore, by casting upon me the imputation of personal motives, he shuts out my testimony and throws contempt upon my conclusions. Therefore, on the 6th of March I demanded the production of that correspondence, and I will read the words I then used, from *Hansard*:—

> "He (Mr. Urquhart) called upon the noble Lord to lay that correspondence on the table of the House. The noble Lord could not pretend any injury to the public service, since it had been already printed. The noble Lord could not complain of being taken unawares, for every line of it on his side had been written for publication. * * * * He now called upon the noble Lord either to retract the insinuations to which he had given utterance on Wednesday last, or to lay upon the table of the House the correspondence to which he had referred."

To which the noble Lord replied—I quote again from *Hansard*:—

> "I shall have no objection to lay on the table the letters to which the hon. Gentleman alludes; almost all of them, I believe, were published in the newspapers."

Now, I beg the House to observe that this occurred on the 6th March, and I referred to imputations the noble Lord had cast upon me, not upon that day, but upon the 1st March; and that the correspondence I asked for was not that referring to the *Portfolio*, but that referring to my recall. The correspondence which the noble Lord has produced to the House is not that referring to my recall, but to the *Portfolio*. The excuse which the noble Lord has given for substituting the one set of papers for the other is, that he gave the whole of the correspondence which he held in his hands on the 1st March when he himself referred to the *Portfolio*, whereas the promise he made to me was on the 6th March, in reference to the papers which I then demanded, and which had reference to my recall.

The House being thus in possession of the material facts, I will now read the statement made by the noble Lord on the 31st June, when I last brought this matter before the House:—

> "When he found that the Motion had been made, he sent a message by his right hon. Friend the Under Secretary for the Foreign Department, that he should by no means have consented to the return, and that if the hon. Member had given him an opportunity for doing so he should have felt it his duty to object to it, and for this reason, that he did not consider it conformable to the spirit of the constitution, and that he thought, &c. * * * The return for which the hon. Member moved was the correspondence between himself and Mr. Backhouse, in the years 1837 and 1838, whilst the correspondence he (Lord Palmerston) had pledged himself to produce began in 1839; but the engagement he had made was to produce the papers he held in his hand when he was replying to the hon. Member for Youghal, and from which he read an extract, and which, in fact, was the correspondence with Mr. Backhouse as to the publication of the *Portfolio*. He never did agree to the presentation of the correspondence relating to the recall of the hon. Member, and it was not his intention to produce it, unless the House should require him to do so; and if the hon. Member thought it necessary to move that he (Lord Palmerston) should produce it, he should call upon the House to consider the expediency of not complying with the Motion."

The order was amended expressly to exclude a private letter of the noble Lord to myself of the 10th March, 1837. The terms of the agreement were distinctly announced across the House by me to the noble Lord, and assented to by him. The terms of that agreement I subsequently addressed in writing to the Under Secretary of State for Foreign Affairs, without having been controverted, and these terms were—

> "All the letters which had appeared in the newspapers, and also two or three subsequently addressed by me to Lord Palmerston in 1837, which had not so appeared."

The noble Lord continued—

> "It did not enter into his imagination that when the hon. Member had consented to rescind the Address for the papers to which he objected, he should substitute a second Address calling for the same thing. He imagined that the hon. Member had altered the terms of his Address, and that he was content to take the other correspondence which he said he was ready to give. It was, perhaps, his fault that he had not looked more narrowly into the matter."

I have already said that when the noble Lord made these statements I contradicted them, and my contradiction remained unquestioned. I now again contradict them. I again declare, upon my honour, that these allegations are not true. It is a case in which both cannot be true, and in which misrepresentation must be wilful. Besides the recollection of hon. Members, there are the newspapers. Correspondence with reference to the *Portfolio!* What did I want with correspondence relating to the *Portfolio?* The question was whether or not my charges against the noble Lord arose, as he stated, out of a quarrel: what I said was this, there was no quarrel with reference to my recall—I dare you to produce the correspondence, which will show it if there was any. The alternative was, "Retract your imputation, or prove it by publishing the correspondence;" and you say, "No, I will not retract, I will publish;" and then this correspondence appears, and what is it? Correspondence about the *Portfolio*, and not about my recall.

I have now only to remark that on the 30th June the noble Lord alleged a reason for not giving the papers, namely, the impropriety of giving papers connected with the recall of diplomatic servants. Why did he not allege this reason on the 6th March? The reason had to be alleged then if it was a reason at all; and when he subsequently, on the 30th June, alleges that as a reason, it is not wanted. Surely nothing could be clearer than the mere statement that he had not agreed to the papers, if that was the fact. It required nothing more. But the absurdity of the subterfuge appears in this, that these papers had been already published. The noble Lord raised the laughter of the House against me on the 6th March, saying, "You will take little by your Motion, for the letters have been nearly all in the newspapers." But this is not the first time these papers have been asked for. In 1838 they were asked for by Sir Stratford Canning. What was the noble Lord's answer then? Not that it was improper to publish letters connected with the recall of a diplomatic servant—not, in fact, that they were public documents at all. He refused them upon grounds that they were private. More than that, he then alleged that they contained falsehoods—that they were filled with falsities. Surely the noble Lord would not hesitate to publish them if they were of such a character. One day they are refused because they are public—another day they are refused because they are private—and both reasons are equally good for this House.

Having thus, for the third time, exposed these subterfuges, I shall trouble myself no further in this matter. I have gained now all I wished for. I have made it clear that it is the noble Lord who shrinks from the investigation. I will not take the papers you will foist upon me. I will be no party to the playing of such a farce, and I shall mark best the sense which I entertain of such proceedings by now quitting the House.

The hon. Member bowed to the Speaker and retired.

VISCOUNT PALMERSTON observed that the case was a very simple one. In replying, on the 6th of March, to the speech of the hon. and learned Member for Youghal, who had impugned his foreign policy, he quoted one or two extracts from a correspondence which had taken place in the years 1838–39 between Mr. Backhouse and the hon. Member for Stafford, with respect to the *Portfolio*. The hon. Member for Stafford subsequently made what he believed at the time to be an application that the whole of the correspondence thus partially cited from should be laid upon the table; and in that application, regarding it as a fair one, he at once acquiesced. He was all along under the impression that what the hon. Member moved for was nothing more or less than that the entire of the correspondence relating to the *Portfolio*, from which a few passages only had been read in the course of the debate, should be laid upon the table. That impression was not disturbed until, on looking at the Votes a few days since, he found, to his surprise, that the address that had been moved for and agreed to, was, in point of fact, an address for the whole of the correspondence which had passed between himself, Mr. Backhouse, and the hon. Member for Stafford, respecting the recall of the latter. The hon. Member might have acted under a misconception; but it was certain that his (Viscount Palmerston's) intention, from first to last, had been merely to agree to the production of the entire of that particular correspondence relating to the *Portfolio*, from which he had quoted extracts. To the production of any correspondence connected with the recall of the hon. Gentleman he had the strongest objections on constitutional grounds, for he did not think that such a subject was a fit matter for discussion in that House.

Mr. ANSTEY thought the noble Lord's explanation far from satisfactory. He (Mr. Anstey) called attention to the report which appeared in *Hansard* of the noble Lord's observations on the occasion referred to, and submitted that that report plainly showed that the question before the House related not to the *Portfolio*, but to the removal of his hon. Friend; and when the noble Lord said he had no objection to lay the letters on the table, he must have meant the letters relating to the recall. However, after several applications were made at the Foreign Office, it was said the papers to be given did not relate to the recall at all, but to a different question, namely, the *Portfolio*. Although his hon. Friend (Mr. Urquhart) had left the House, he (Mr. Anstey) should, for the interest of the country, resist what he thought would be a bad and mischievous precedent, and oppose the Motion of the noble Lord the Member for the city of London.

Motion agreed to.

House adjourned at ten minutes to Two o'clock.

HOUSE OF LORDS,

Friday, August 4, 1848.

MINUTES.] PUBLIC BILLS.—1ª Windsor Castle, and Town Approaches; Highway Rates; Loan Societies; Trustees Relief.

2ª Salmon Breed Preservation; Public Works (Ireland) (No. 2).

Reported.—Edinburgh Police (Amendment and Consolidation of Acts, and Police and Sanitary Improvement); Regent's Quadrant Colonnade.

PETITIONS PRESENTED. From Shipowners, and Others, of Montrose, Middlesborough, and other Places, against any Alteration of the Navigation Laws.—From Great Baddow, Taunton, and several other Places, against the Sale of Intoxicating Liquors on Sundays.—From Places in the County of Lancaster, for the Adoption of a System of Secular Education.—From the Borough of Penryn, against such Provisions of the Public Health Bill as Establish a General Board of Government.—From numerous Tradesmen and Shopkeepers, praying that the Palace Court at Westminster may be Closed, as regards the Recovery of Debts and Demands under Twenty Pounds.—From Teachers, and Others, within the Police Boundaries of the City of Edinburgh, taking notice of the Provisions of the Edinburgh Police Bill, praying that all Buildings solely Occupied for the Purposes of Science or Education may continue to be Exempt from Taxation.—From Little Bowden, and Market Harborough, in favour of the Charity Trust Regulation Bill.

ALLEGED INTERFERENCE IN THE AFFAIRS OF SICILY.

LORD BROUGHAM wished to put a question to his noble Friend opposite (the Lord President of the Council), of which, if it were deemed necessary, he would now merely give notice. It was, whether it was true, as he was informed upon very high authority, that Mr. Fagan, an *attaché* to the English Minister at Naples, had, upon the 24th July last proceeded, in Her Majesty's ship *Porcupine* to Palermo, and there thought proper, in breach of his instructions—as he, in charity, was bound to believe—to make a communication to the Provisional Government of Sicily, threatening them with the withdrawal of the countenance, support, and protection of England, if they did not, within twenty-four hours, proceed to choose the Duke of Genoa as King. If he (Lord Brougham) had not received this information from the highest official authority connected with Sicily—and he had only seen that noble person an hour or two before he entered the House—if, indeed, he had not received it first in writing, and secondly by word of mouth, from that distinguished individual—he should have felt unable to believe it possible. Surely Mr. Fagan must know that if there was any one thing more intolerable than another, it was interference of a foreign Government with the dominions of an Ally. Sicily stood towards Naples in the same relation as Ireland towards Great Britain, except that Ireland had no Parliament, whilst Sicily had; but if this thing were once allowed, what was to prevent the King of Naples, if he had the power, from sending a similar communication to the rebels in Ireland? He believed, as he said, it was quite impossible Mr. Fagan could have made this communicatien, though he had received an assurance of it in writing; and he believed it still more impossible that, if he had made it, he had acted under instructions to that effect. But if Mr. Fagan had made it, then he expected to hear that he had been recalled.

The MARQUESS of LANSDOWNE said,

that as his noble and learned Friend had not given him notice of his intention to put this question, he was not prepared to say what Mr. Fagan might have done. This, however, he could at once say, that neither Mr. Fagan, nor any other person in Her Majesty's service, had any instructions to make any communication to the Provisional Government at Palermo of the nature referred to.

PUBLIC WORKS (IRELAND) (No. 2) BILL.

The MARQUESS of CLANRICARDE moved that this Bill be now read 2ª.

The EARL of ELLENBOROUGH said, that they had it stated that in consequence of the financial difficulties of the country, it was impossible to give effect to the Militia Acts, as the 150,000*l.* which Government proposed at the commencement of the Session to devote to that object could not be spared; and yet they were now asked to devote the large sum that was to be repaid on account of advances in Ireland for the next seven years to the purposes of new loans in that country. He alluded to this fact in order to show that it was no unimportant boon that they were about conferring on Ireland, and not with the view of offering any objection whatever to the principle of the Bill. On the contrary, he was disposed to carry out, as far as it could be carried, the principle on which the Bill had been framed, namely, that the Imperial Treasury would forego, for imperial purposes, its claim to the repayments of all money due by Ireland; that all these moneys should be still collected, but that they should be devoted as they were received to Irish purposes alone. He was perfectly ready to acquiesce in that principle, because it tended to show that there was nothing which Parliament could do to promote the welfare of Ireland that they were not ready to undertake. But he wished it to be understood what the amount of the boon was, which, in this instance, they were about to confer on that country. He believed that ultimately the sum to be devoted to purely Irish purposes, if the principle of this Bill were carried out fully, would be no less than four and a half millions of money. Now, that being the case, and the principle being established that these sums as they were received were to be appropriated only to Irish purposes, they should consider whether the objects provided for by this Bill were the most important objects which the Parliament of this country could have in view, having at its disposal a sum of four millions and a half of money to be appropriated for the benefit of Ireland. He was of opinion that, however important it was to improve the soil of Ireland, that was not the most desirable object which could be effected with this sum, because he was convinced that, unless they improved the social state of Ireland, everything that they could do for the improvement of the land would be of no avail. The social state of Ireland was a scandal to this country, and a scandal to the age. There was no country in the world, pretending to civilisation, of which the social state was so bad as Ireland. Now, from what circumstance did that defect in the social state of Ireland arise? But on this subject he ought not to speak of all Ireland as coming under the same description. He recollected well hearing the late Lord Liverpool say, "I do not understand what noble Lords mean when they talk of Ireland as being all one; there are two Irelands—North Ireland and South Ireland—Protestant Ireland and Catholic Ireland; and the remarks adapted to the one are wholly unsuited to the circumstances of the other." That was one source of all the difficulties which they had to meet in legislating for that country. But it was not in the Protestant part of Ireland that the disorganisation in her social state existed. There was nothing in the character of the Roman Catholic religion that ought of necessity to lead to the disorganisation of the social state which was found in Ireland. Some of the very best and most prosperous parts of Europe were places in which that religion existed in all its purity. Neither was it because Ireland was a conquered country, nor because large portions of the lands of that country had been confiscated, nor because there had existed in that country for many years laws of persecution. There was hardly a country in Europe or in Asia that had not passed through the same circumstances—that had not been conquered by aliens, and had not been confiscated and subjected to vindictive legislation. But in all other instances the vanquished and the victor were found living in the same community, under the same laws, and mingling in the same social state. But having removed the Roman Catholic disabilities in Ireland—disabilities of which the Young Ireland party had never seen the effect, and of which they knew nothing—what, he would ask, was there still in the state of Ireland

—for there must be something peculiar—which produced this anomaly in its social state, such as never did exist, or never could exist, in any other country in the world? It was, that the Church of the great majority of the people was repudiated by the State. Where would he seek for a remedy for this evil? Not where some had suggested, by attacking the property of the Protestant Church, for the purpose of endowing the Roman Catholic Church. Nothing could be worse in point of justice or in point of honesty than such a course would be. The establishment of the Protestant Church in Ireland rested on the Union, which should be considered sacred; and, besides, such an Act would alienate the Protestants of Ireland, who were the best friends of British connexion, and who might be called the natural garrison of the country. But he would do it by making the Roman Catholic clergy stipendiaries of the State, and at the same time subjecting them to the right of patronage on the part of the Crown of this country. He did not see his way satisfactorily to the administration of Roman Catholic patronage by a purely Protestant Government. But they sought merely for peace, and did not wish to yield to the prejudices of any party, but desired to do justice by all. He would now call their Lordships' attention to the large fund which they had at their disposal to be appropriated solely to the purposes of Ireland, and he thought that no one could reasonably object to devoting it to the support of the Roman Catholic clergy, for the building of glebe-houses and attaching them to the glebe. He did not see upon what ground the most conscientious person could object to such a proposition. The only effect of it would be to place the Roman Catholic priest in a station of respectability and independence, and to so place him for purposes of good over the people to whom he was a pastor. These were no new opinions in his (the Earl of Ellenborough's) mind; he was no late convert to them; he had formed them at a very early period of his public life, when the late Lord Castlereagh was in power, and they were in consonance with those held by that noble Lord, for Lord Castlereagh, when carrying the Union between the two countries, never contemplated the removal of Catholic disabilities, which was to have accompanied it, without connecting the measure in his own mind with the endowment of the Roman Catholic clergy; but he was deceived in the expectation that he would live to see the project carried into effect. He (the Earl of Ellenborough) had thought it his duty upon that occasion to state his opinion. He considered that the time of difficulty was the time for those whom the constitution entrusted with the duty of legislation to come forward and state their opinions, and not leave them in any doubt. He thought they were bound to do so at the risk even of their popularity, and that the man who hesitated, at a time like the present, to do his duty boldly and fearlessly, by stating his opinions to their Lordships, would be undeserving of the station which he held.

Lord MONTEAGLE said, the noble Earl who had just sat down, would deserve the thanks of the friends of liberal measures for the courage as well as the wisdom of his statement made at the present moment to the House. He (Lord Monteagle) approved highly of the sentiment expressed by the noble Earl. He especially agreed cordially with him in his observation that the Roman Catholic clergy should not be endowed out of the funds of the Protestant Church. For if there were any mode by which the matter could be made more distasteful than another to the public, and productive of evil rather than of good, it was a proposition which had sometimes been popularly put forward that the Protestant Church should afford the funds from which the Roman Catholic clergy should be pensioned. He (Lord Monteagle) also believed, that if they wished to make the proposition distasteful to the Catholic clergy themselves, they would best do so by a proposition which should make it appear as though they wished to place them in a position that they would be subservient to the Government of the day. His noble Friend had wisely rejected such a plan. The great danger which he (Lord Monteagle) apprehended, arose from the condition of dependence of the Roman Catholic clergy. They could not at present act independently. At this side of the water people thought that the priests directed the Irish people; but he could tell them that the people, on the contrary, impelled the priests, and the priests did not act willingly in nine cases out of ten when they took prominent positions in political movements. He, of course, admitted there were exceptions. But in many cases it was under the threat of absolute starvation, which he had actually known to have been held out to them, that the priests had been obliged to come forward and become agitators. The Irish priest was not in a situation in which any clergyman should be placed. Their Lordships, whatever might be their political or religious sentiments, had all a deep interest in the moral and religious instruction of the Irish people; and it should be the great object to secure them such advantages. Those confederate leaders and members of clubs were persons who had thrown off the trammels of their religion; and the priest knew at once that the persons whom he missed from their religious duties were those who were connected with illegal confederacies. He begged of those who said that their Protestantism prevented them from entertaining the question, to recollect that George the Third, whose Protestantism had never been called in question, opposed as he was to the concession of the Catholic claims, was favourable to the endowment of the Catholic clergy. They might depend upon it that the discussion which the subject would now receive would lead to the general conviction that the great boon suggested by the noble Earl ought to be granted. One word as to the funds from which the endowment could be effected. Should all other sources be found objectionable, no better subject for taxation of Ireland itself was ever submitted to that country, than the raising of a fund for such a purpose. He would say no more upon the subject at present; but in the further progress of the Bill, it would be necessary for him to ask two questions of Her Majesty's Government with respect to the food of the people of Ireland.

Lord STANLEY could not but express some regret that his noble Friend the noble Earl who sat behind him should have thought it necessary or expedient to take that opportunity of entering upon the discussion of a speculative view of a most extensive and important question, which was not brought regularly under the notice of the House by the measure then before their Lordships. He said "a speculative view," because he did not understand that his noble Friend suggested, nor that he signified his intention of being about to suggest, any direct proposition to the House. Nor, indeed, was it competent to the House to divert to the purposes to which it was proposed to divert the sum of money with reference to which the present Bill had been introduced, even if no difference of opinion on the subject should prevail among their Lordships. But he apprehended that the Bill was brought in for the purpose of legalising the re-issue to Ireland of certain sums which had been repaid out of certain other sums formerly advanced to Ireland out of the Imperial Treasury, and that the re-issue was to be for the same purposes as those for which the grants had been originally sanctioned by Parliament. He apprehended the noble Marquess (the Marquess of Clanricarde), in making the remarks which he had made upon proposing the second reading of the Bill, had distinctly specified such to be the object; and had stated that, partly from neglect, and partly from circumstances over which the Government had no control, many of the works commenced by means of the former loan, which, if completed, would have been of great national importance and advantage, had been left unfinished; and unless more money were advanced, it would be not only impossible to complete them, but those parts of the country in which they were, could not even be restored to the state in which they were before they were commenced. Now, that was the plain and legitimate purpose of the Bill, and it was one which should not have led to any discussion such as had been raised. That was the legitimate and natural application of the capital. But undoubtedly the circumstances connected with the proposition of his noble Friend would be exceedingly different. He (Lord Stanley) certainly should decline answering to the call of his noble Friend, and discussing upon the subject of a Bill for finishing the unfinished works of Ireland, the propriety of dealing with large sums of money drawn from the Imperial Treasury, and applying them for the purpose of endowing the Roman Catholic clergy of Ireland. For, disguise it as they might—wrap it up as they pleased—the proposition was, whether they would, out of the Imperial Treasury, endow the Roman Catholic clergy of Ireland. Now, that was too large a question to be discussed upon the occasion of a Bill for the purpose of merely advancing a loan for a few hundred thousand pounds, to be expended in public works. His noble Friend had laid it down as a fact, that as these few hundred thousand pounds were a payment made by Ireland, they were consequently Irish funds which their Lordships had to deal with. He (Lord Stanley) denied that. He said that it was an expenditure made, not by England solely, or by Ireland solely, but by the Imperial Treasury, which had made the original advance of the money, and which now proposed to forego payment of the advances immediately. But to say that because Ireland had repaid those funds, they should be deemed to be Irish funds, was, he should say, the most Irish way of looking at the question he had ever heard of. Ireland owed 900,000*l.* to England, and had repaid it, and they proposed to deal with it as an imperial fund. "No," said his noble Friend behind him, and "no" said his noble Friend opposite; "remember it is an Irish fund which you are going to lend." But Ireland was not going to pay the money to England. Ireland was only going to repay to England the money which England lent to her before; and to say that therefore it was an Irish property, was a suggestion so strange that he could not properly designate it. He was not going to discuss the question of payment of the Roman Catholic clergy; but theoretically his noble Friend thought that it would be well to expend 900,000*l.* for the purpose of erecting glebe-houses.

The Earl of ELLENBOROUGH: Four millions and a half.

Lord STANLEY: His noble Friend's proposal then was, that out of an imperial fund, 4,500,000*l.* should be applied to the building of glebe-houses, and to the payment of the Roman Catholic clergy of Ireland. That was not a question of policy only, but of principle also. It was a question of religious principle with a large portion of the population of this country. He (Lord Stanley) did not look upon it in that light. He did not look upon it as a violation of the Protestant feeling, that this country should make a grant for the endowment of the Roman Catholic clergy, for the purpose of making them more respectable in their position. But with a large portion of the people of this country, it was a religious question. With himself, he avowed it was merely a question of State policy; but it was with many a question of religion alone. And when their Lordships approached it, it should not be merely incidentally, but directly upon a proposition made by the Government, and not in the terms of a measure which proposed to regrant four or five millions for the advancement of public works in Ireland. He admitted that the Roman Catholic clergy were frequently too much under the control of their flocks. He admitted that it was desirable they should be less under such a control; but he confessed he was not satisfied with the doctrine laid down by his noble Friend behind him, in the plan which he had mooted, that the Roman Catholic clergy, in being placed in a condition of perfect independence of their flocks, should at the same time not be connected with the State. It would be a matter of policy, or he would plainly say of police with him (Lord Stanley); and he could not assent to the proposal that in doing as had been suggested, they should take no steps to connect the Roman Catholic clergy with the government of that clergy. But the subject was one upon which the whole question should be plainly brought before them before any proposition should be assented to. It was not therefore for the purpose of saying thst under no circumstances would he consent that any grant to the Roman Catholic clergy should be made by the State; nor, on the other hand, was it for the purpose of saying that he would consent to such a grant without knowing what *quid pro quo* was to be demanded in return, that he addressed their Lordships. It was merely for the purpose of deprecating any hasty declaration of opinion being made upon a question which could not be fairly brought under the consideration of the House at present, that he had risen; and he also wished to express his regret that an opportunity which was so inexpedient should have been taken for the purpose of expressing any opinion upon a question that was wholly unconnected with the subject of debate. Her Majesty's Government, if they intended to make such a proposition as that of granting salaries to the Roman Catholic clergy, should bring it forward distinctly upon the full responsibility of the Government, and with a statement of the funds from which the endowment was to be provided, and of the terms upon which it was to be granted. He concurred in the declaration of his noble Friend that the source should not be the funds of the Protestant Church of Ireland; and that as it would be a local charge it should not be paid out of the Imperial Treasury, but out of funds raised upon Irish property. At the same time he confessed he thought that such a proposal would deprive his noble Friends of the support of many who now favoured the idea of endowing the Roman Catholic clergy. The proposition would meet with a great deal of opposition from the Protestants of England and of Scotland, and the north of Ireland; but he should conclude by repeating that the question was of far too great importance to be discussed until it should be brought before them with full notice, and upon the responsibility of Government.

Lord BEAUMONT said, that whenever the question of the endowment of the Roman Catholic clergy of Ireland was raised, the question of the Established Church was considered to be directly involved in it. That should not be. The Established Church of Ireland might be an anomaly, but it was not a grievance. But the anomaly would be considerably increased if they were to have the clergy of another Church connected with the State as well as those of the originally Established Church. They would, besides, cause a division amongst the Roman Catholic clergy if they were to connect them with the State. What they ought to do should be to make the Catholic clergy independent of their flocks and of the State besides. He thought the plan proposed by the noble Earl (the Earl of Ellenborough) was the best that could have been suggested. The great advantage which would result from the adoption of the course suggested by the noble Earl opposite, would not only relieve them from any coercion they were now under on the part of their flocks, but it would enable them to avoid all political altercations. They would then be in a position to attend solely to the religious instruction of their parishioners. Instead of being mere citizens of the world, as they then were, and looking to themselves merely as a large body scattered over the country, and not more attached to this empire than to any other—for this feeling no doubt pervaded a large portion of the Catholic clergy in Ireland—they would become strongly attached to it. He should be glad if, by some step on the part of the Government; such as by a grant of money, or by other means, they could see the priests attached to British connexion, and have a direct interest in the welfare of the State. He believed that this would be a great measure of good to Ireland; and, above all, he believed that the greatest good would be produced by a great impetus being given to education, and he should grudge no amount of money for this purpose.

Bill read 2^a.

CHARITY TRUST REGULATION BILL.

The LORD CHANCELLOR moved that the House do now resolve itself into Committee on this Bill.

Lord STANLEY rose to object to the Motion. It must be in the recollection of the House that a right rev. Prelate on a former occasion expressed a strong hope that it was not the intention of the Government to persist in pressing this Bill at that period of the Session, and he cordially concurred in this opinion. Before they proceeded with the measure, it should be shown that there were circumstances of an urgent character which had presented themselves to Her Majesty's Government, so as to prevent them proceeding with this measure; but this had not been done. He deprecated the practice of introducing into that or the other House of Parliament measures at such a period of the Session, when it was clearly impossible that they could meet with due consideration. He believed that there was no reason whatever why this measure was not brought forward at the opening of the Session, and he certainly had not heard a shadow of excuse made why it had not then been brought forward. They had been told that the Bill was similar to that which was introduced last year. If that was the case, the Government should have made up their minds to have brought it forward at the commencement of the Session; for during the whole Session he had been urging on the Government not to crowd measures before the House at the end of the Session, and leave the House of Lords no business to attend to at the early part of it. It would appear that Her Majesty's Government were in full possession of this measure; there, therefore, could have been no difficulty in introducing it to the House for discussion many months ago. A right reverend Prelate had put a question some months ago to the noble and learned Lord on the woolsack, as to whether it was the intention of the Government to bring forward a measure for the better regulation of the management of charities; and the noble and learned Lord answered that it was possible that some measure might be framed in the course of the present Session for dealing with minor charities. After this question had been put by the right reverend Prelate, not less than three months had been allowed to elapse, namely, to the middle of July, before the noble and learned Lord moved that this Bill be printed; and the Bill was brought forward for discussion last week in the absence of four-fifths of the Members of that House, and at a period of the Session when the› ther House was overwhelmed with the consideration of business. At such a period a measure was brought forward for discussion which involved principles altogether new, and embodied the most extensive changes. The noble and learned Lord admitted that some of the changes proposed were of great importance, and were a departure from the principles hitherto acted upon in the management of charities, and he therefore consented to throw over a great portion of his propositions, but added that he was anxious to pass that part of the Bill which related to the minor charities in the present Session. This was not the manner in which the Government should be carried on for the purposes of legislation, or in which measures which that and the other House were called on to pass should be framed. He understood that it was intended in the present Session not to pass any portion of the Bill connected with educational charities, but that these must be attended to at any early period of the next Session; he would therefore suggest, as so large a portion of the Bill was to be postponed, that they should put it off altogether until the commencement of the next year, when the whole subject could be maturely considered, instead of proceeding to deal with it by piecemeal. If noble Lords would examine the clauses which were to be retained in the Bill, they would observe that although it pretended to deal only with charities with revenues under 30*l.* a year, yet that, practically, it allowed every charity to be placed under its operation. It was certainly desirable to have the power of checking the expenditure of charities, the revenues of which were under 20*l.* or 30*l.* a year, summarily and without expense; but it was a question as to whether or not the County Courts were the fittest tribunal to adjudicate in the matter. If they looked to the expense of these courts, there could be no doubt as to its being very large. A return had recently been laid on the table as to the expense of some of these courts on a portion of the Home Circuit. It appeared that the total number of plaints lodged before the courts was 22,000. The total number of judgments given was 18,000; but not one-half of the amount of these judgments had yet been paid into court. But for these 18,000 judgments the fees of the court amounted to 4,000*l.*, and those fees constituted 25 per cent of the whole of the money paid into court. He believed these courts were to have the power of making orders for the management of charities, without any restriction on the Judges. He objected to invest any body of men with such a power without ample notice being given for the consideration of the matter. Then how were these courts to be set in motion? What security was there against the whole amount of the funds of these charities being absorbed in litigation in these courts? He found, also, that there was no restriction as to the costs of appearing in a case of this kind, for the Judge might make the award in any manner which he thought fit, and this without any appeal, for the judgment was declared to be final. Now, suppose the case of any charity connected with the Established Church, any Dissenter residing in the place where the charity existed, if he pleased, might apply to the Judge to make a new scheme for the management of the charity, and for which he might be liable to none of the expenses, but might saddle the charity with charges more than the whole amount of its revenue. This was a large power, which should not be delegated to such tribunals without the most full consideration, and without ample checks. It was true that a statement of any proposed new scheme for a charity must be published in the county newspaper; but there was no provision in the Bill for hearing objections to it, for after the Judge had promulgated the scheme, they were told that he must deposit it in some public place; but there was nothing to prevent its being carried into effect, however objectionable it might be, for the decision of the Judge was final and conclusive. On the 19th of July, when this important Bill was introduced, it was admitted by the noble and learned Lord on the woolsack to be of a most novel character, and which should receive full consideration, as it involved principles of no minor importance. Was it too much, then, for him, on the 4th of August, when they were invited to proceed to the consideration of a Bill the introduction of which had been postponed from February to July, to ask noble Lords to postpone it from August to next June? At this time also the House of Commons was so overwhelmed with business, that they were obliged to sit from twelve in the morning to two or three on the following morning. He was astonished that Her Majesty's Government should think it to be decent to introduce this important Bill, and send it down to the House of Commons, where it could only go through the mere form of passing it through its various stages. Seeing, then, that this Bill might have been introduced at an earlier period of the Session, and trusting also that the House would not sanction the principle of postponing the introduction of all measures into this House until the end of the Session, but at the same time admitting that in some respects the measure might be made useful and valuable, but on the principle that such a Bill should not be introduced at such a time—and if any inconvenience should arise from postponing it, it arose from the course of proceeding on the part of the Government—he trusted that their Lordships would think that he was justified in moving that the Committee on the Bill be postponed until that day three months.

The LORD CHANCELLOR said, that it appeared to him that the objections of the noble Lord were not so much to the principle of the Bill, for he had intimated that hereafter he might be induced to support it, as to the time when it was introduced. Now this objection would apply to every measure which might be brought forward at a late period of the Session, and even to one which might contain provisions which it was essential to pass without delay. He would undertake to prove to their Lordships in a very short space of time that there were enactments proposed in this Bill which were of very great necessity, and the delaying of which would be attended with great inconvenience. Although some of the provisions of the Bill which he now asked the House to assent to, were new, the subject had long been under the attention of the Government. The present Bill contained some very pressing matters, but there were other provisions on the subject which he had originally introduced into the Bill. These, no doubt, were of very great importance, but they did not call for the immediate decision of Parliament. He had thought that the plan which had been proposed with respect to the minor charities would meet with the approbation of all, and that the tribunal which had been selected, to which they were to be referred, would not have been objected to. If the noble Lord would look at matters dispassionately, he would see that it was not one which it was necessary to delay for the purpose of long consideration. He could not help feeling that the noble Lord had not taken notice of the real objects of the Bill, or of the evils to which it was intended to be applied. Was the noble Lord aware that at present, as regarded the large proportion of the charities which at present existed in this country, there was no remedy which could be applied with respect to the maladministration of their funds, for their revenues were so small that they never would bear the expenses of applying to the Court of Chancery. It had always been felt that some means should be devised for the management of the funds of such charities. There had been great difficulty in finding a proper jurisdiction, for formerly no local jurisdiction like the County Courts existed. It was proposed some years ago to make a number of new tribunals, specially for the superintendence of these charities; but this proposition was objectionable in consequence of the expense and patronage which would be involved in the adoption of the plan. They had thus had two years' experience of the mode of carrying on local jurisdiction in these courts; and on reflection he felt strongly they were well able to undertake the duties imposed by this Bill. The noble Lord complained of the expense of these courts. When they were first established it was impossible to tell with anything like exactness the amount of fees which would be required to defray the expenses of the courts; but after mature deliberation a table of fees was drawn up. It appeared, however, that the amount of fees received in some of these courts was so large that in some instances the Judges and officers of the court had received more than they ought to have received. After the experience which they had had, and after they had been able to calculate the expenses of the courts with some accuracy, he was ready to admit that it would be proper to reduce the fees, so that the amount collected should not be more than was necessary to pay the expenses of the courts; and he hoped before long a plan would be adopted by which the fees would be reduced one-half. Every one of the Judges of the County Courts had accepted office with the distinct understanding that they were to perform any duties which Parliament might impose on them, without having any larger remuneration than that which they received under the County Courts Act; and it was extremely important that when the salaries were about to be fixed, it should be clearly ascertained what dutes there would be to perform.

That was one very good reason why Parliament should at once determine whether it would, or would not, transfer to the Judges in question the proposed jurisdiction. The passing of this Bill was, however, most important in relation to the charities themselves. It was proposed to deal with 48,000 charities, for a large proposition of which there were no trustees provided, and no means of ensuring their satisfactory administration. The funds would, under the provisions of the Bill, be paid into the hands of the treasurer of the County Courts, who was to be the depository of the legal estate; but, instead of that officer having the management of the property, its administration was to be left to the trustees. If their Lordships would allow the Bill to go into Committee, he would then state what alterations he intended to suggest; but no satisfactory discussion could take place before, inasmuch as there was no objection to the principle of the measure. He would observe that there existed at present a great want of the means of local investigation, and it was proposed to take powers for supplying that defect. It was extremely desirable that such arrangements should be made, that parties would not be obliged to bring all their witnesses and papers up to London. No one need be afraid that the proposed jurisdiction would be abused; but if any better mode of preventing abuse could be suggested than that provided by the Bill, he should be happy to assent to it. He again submitted that the Bill ought not to be rejected because it had not been introduced sooner. If good in itself, it should be allowed to pass. Even as regarded the objection of time, he must remind their Lordships that the Bill had been before them three weeks, and that there was no other urgent business pressing on their attention at that moment.

Lord REDESDALE regretted that the noble and learned Lord had treated the objection to the time when the Bill had been introduced in the manner that he had done. It was all very well to talk about three weeks being enough to consider the Bill; but there were several parts to which he objected, and he could not, in so short a period, form a correct opinion of the details of such a subject. The Bill had been withheld until a period of the Session when many Peers were absent, and when there was no opportunity for proper deliberation; and he thought their Lordships would, under all the circumstances of the case, be fully justified in postponing the consideration of it until next Session.

The Bishop of OXFORD said, he must vote against going into Committee. He fully admitted the greatness of the evil; but it did not follow from that that he should take at random the first means of meeting it which might be suggested. The very circumstance that these charities were so numerous, made it the more imperative that their Lordships should legislate with care, and make themselves acquainted with all the details. The measure was one especially of a parochial character; the charities affected by it were almost all of early foundation; and it was impossible, within so short a space of time, to acquire the requisite amount of information. Nearly all that was most important in the Bill was not to be found in the Bill of last year. No care was taken by the framers of the measure to prevent any possible abuse of the jurisdiction to be exercised. A shrewd Dissenting attorney, holding the office of Judge, might, under its operation, divert Church property from its proper object, and apply it to objects not contemplated, on the ground that he thought the new application would be beneficial. It was alien to the character of that House to sanction such a method of dealing with property of that description. On a former occasion, indeed, the noble and learned Lord on the woolsack had stated that he was opposed to the giving powers to Commissioners to change trusts, observing that to do so was to act on a novel principle in legislation. Yet the noble and learned Lord now proposed to give such powers, not to Commissioners, or to persons of high standing, but to every Judge of a County Court in England. Much as he (the Bishop of Oxford) desired to see some remedy provided for great and admitted evils, he felt that bad legislation on such a subject was exceedingly dangerous; that while it was very difficult to retrace a wrong step, it was very easy to do an injustice; and he thought the House ought to have an opportunity of further considering the subject before it came to a division. Unless the Bill were fairly considered by a Select Committee, and fully deliberated upon by their Lordships, the passing of it could lead to no satisfactory result.

On question that the word "now" stand part of the question, House divided:— Contents 21; Non-Contents 17: Majority 4.

List of the CONTENTS.

The Lord Chancellor.

MARQUESSES.

Lansdowne

Clanricarde.

EARLS.

Waldegrave

Grey

Minto

Auckland

Granville.

Morley

Strafford,

BARONS.

Langdale

Camoys

Colborne

Byron

Monteagle

Campbell

Beaumont

Milford

Wrottesley

Leitrim

Eddisbury.

Paired off.

FOR.	AGAINST.
Earl Spencer	Earl of Malmesbury
Earl Fortescue	Lord Colchester
Lord Foley	Lord Templemore
Lord Sudeley	Earl of Stradbroke
Bishop of Norwich	Earl of Tankerville
Earl of Radnor	Lord Sondes
Earl Fitzhardinge	Earl of Digby
Bishop of Hereford	Lord Skelmersdale
Lord Crewe	Earl Jersey
Duke of Grafton	Earl of Cardigan
Lord Brougham	Duke of Beaufort
Earl of Scarborough	Lord Forester
Earl of Charlemont	Lord Beauchamp
Lord Carrington	Earl of Hardwicke
Lord De Mauley	Earl of Glengall.

House in Committee.

Amendment made; other Amendments moved and negatived. Report to be received.

House adjourned.

HOUSE OF COMMONS,

Friday, August 4, 1848.

MINUTES.] PUBLIC BILLS.—1° Money Order Department (Post Office); Importation of Sheep, &c. Prohibition; Contagious Disorders Prevention (Sheep, &c.).

2° Turnpike Acts Continuance; Canada Government; Metropolitan Commissions of Sewers.

Reported.—Insolvent Debtors' Court; Sugar Duties.

3° and passed:—Paymaster's Offices Consolidation: Highway Rates; Farmers' Estate Society (Ireland).

PETITIONS PRESENTED. By Mr. Wilson Patten, from Exeter, and other Places, for a Better Observance of the Lord's Day.—By Sir Charles Lemon, from Miners and Others connected with the Fowey Consols Copper Mine, in Cornwall, against the Copper and Lead Duties Bill.—By Mr. Devereux, from Waterford, for Abolition of the Ministers' Money (Ireland).—By Sir Benjamin Hall, from several Lodges of the Independent Order of Odd Fellows, for an Extension of the Benefit Societies Act.—By Lord Courtenay, from Plympton, for an Alteration of the Law respecting Education.—By Lord Dudley Stuart, from Luke James Hansard, Printer, of Southampton Street, Bloomsbury, suggesting the Establishment of a National Printing Office.—By Mr. C. P. Villiers, from the Guardians of Wolverhampton Union, for an Alteration of the Poor Law.—By Lord Dudley Stuart, from the Committee of the West London Anti-Enclosure Association, respecting the Management of St. James's Park.—By Mr. Christy, from Newcastle-under-Lyme, in favour of the Sale of Beer Bill.—By Mr. Stuart Wortley, from the Rothsay Young Men's Association for Mutual Improvement, against the Scientific Societies Bill.—By Mr. Henry Herbert, from the Grand Jury of the County of Kerry, suggesting Remedial Measures for the State of Ireland.

POOR LAW UNION CHARGES (No. 2) BILL.

House in Committee.

On Clause 1,

MR. C. BULLER said, that one object of the Bill was to renew the temporary law respecting the irremovability of the poor, and to continue Mr. Bodkin's Bill for one year. In doing that he thought it right to make the whole subject of the Bill extend only for one year also.

MR. BROTHERTON hoped the right hon. Gentleman (Mr. Buller) would bring in a Bill to make the poor in large towns chargeable upon the unions. At present the poor had to keep the poor, for the rich evaded this duty. In the parish in which he lived the poor-rates were 1*s.* in the pound, while in the next parish they were 7*s.* the whole of the poor being kept by the adjoining parish. It frequently happened that persons made their fortunes in towns, and then removed into close townships in the neighbourhood to reside, by which means they were no longer liable to the maintenance of the poor in the parishes where they had amassed their wealth.

MR. HUDSON could confirm the statement of the hon. Member for Salford as to the effect of the present system. Some of the richest parishes in the city of York were almost entirely relieved from poor-rates. There was another point to which he begged to call the attention of the right hon. Gentleman (Mr. C. Buller), and that was the hardship of which railway proprietors had to complain in the rating of railways to the relief of the poor. In looking over the accounts of one railway with which he was connected, the Eastern Counties, he found that they had paid 12,000*l.* in rates during the last half-year, for 250 miles of railway, which was about 8*l.* per acre; while he believed it would be found that agricultural parishes only paid on average of from 3*s.* to 3*s.* 6*d.* per acre throughout the kingdom. He feared that the effect of the present Bill would be to saddle upon the railways, as the large ratepayers, the additional rate which would be levied upon the union generally, and that they would thus have to contribute to the maintenance of the poor in parishes in which they had no property, He hoped, at least, that the subject of railway rateability would be taken out of the hands of magistrates. It was not right that so much injustice should be perpetrated upon the promoters of undertakings which rather deserved the fostering hand of the Government. The railway companies only asked for justice; but it must strike the House as a monstrous injustice that they should pay 8*l.* per acre to the poor-rates while the average of the rates in agricultural parishes was only from 3*s.* to 3*s.* 6*d.* per acre.

Mr. C. BULLER concurred in what had fallen from the hon. Members for Salford and Sunderland with regard to the hardship caused by the inequality of rating of different parishes in the same towns. He had already expressed his opinion in favour of retaining the principle of parochial chargeability; but none of the arguments in favour of this principle applied to the case of towns, in which one parish paid more than another, in consequence of the labourers living in one parish, and working in another. The question underwent much discussion in the Settlement Committee of last year; and it appeared to be the general opinion that a complete and uniform charge would be the right thing with regard to the several parishes forming large towns. He proposed to lay on the table this Session a Bill enacting that where there was a town coextensive with a union (of which he believed there were only six cases), and where the town was not under a local Act, there should be in such cases an entire union charge for all purposes whatsoever. If the Bill gave satisfaction, it would be easy to extend it to smaller towns which were not coextensive with unions. He thus proposed to feel his way, and he hoped the House would allow him to go on in this kind of pottering manner. The present discussion was somewhat premature.

Mr. E. DENISON wished the right hon. Gentleman to give his opinion on the three following cases: Firstly, if a person presented himself at the door of a union workhouse in a state of intoxication, ought such a person to be an object of public charity? Secondly, supposing the case that some labourers had been engaged in labouring work, and had been in the receipt of very large wages—that a strike took place, that those parties were thrown out of work, and that they immediately had recourse to the union workhouse, and represented themselves as destitute, ought they to be taken into the house, or otherwise receive relief? His third question was, whether certain men, between the ages of eighteen and thirty, who were known to be circulating through the country, and who were in the habit of constantly coming to the workhouse and asking for relief, ought to receive it from the union workhouses? Some information upon points such as these was very necessary to guide relieving officers in the discharge of their duty.

Mr. MUNTZ would suggest to the House whether the relief of the poor ought not to be a national act instead of a local act. Why should funded property be free from the poor-rate, or stock in trade? He knew that the difficulty of taxing stock in trade was great, and that the expense of collecting it would be large; but that was no reason why it should not be taxed as well as any other description of property.

Mr. C. BULLER said, the question raised by the hon. Member for Birmingham was a very large one. He had his own opinion on the subject, and it did not entirely coincide with that of the hon. Member. With respect to the questions put by the hon. Member (Mr. E. Denison), he might state that his object had been, in the circular to parochial officers, which he hoped to lay on the table to-day, to point out to the unions the necessity of exercising a discretion in such cases; and if a general explanation of his views did not prove sufficient, he would labour most sedulously, from time to time, until he had made himself understood. With respect to those persons who were in the receipt of good wages, he had attempted to guard against their being improperly relieved; and if it should be known in the neighbourhood that they were in that condition, unless they were bowed down by illness, he should say that the relieving officer would exercise a wise discretion in refusing relief. As to habitual vagrancy, he would put that act down as he would any other offence.

Mr. SANDARS said, that though the right hon. Gentleman (Mr. Buller) had been compelled by circumstances to withdraw the greater part of the measures he had introduced, yet he thanked him for persevering with the clause which spread the charge of vagrancy over the whole union. This evil of vagrancy was so great, so increasing, that it admitted not of delay, and he was glad to see a prospect of the principle being admitted; for, depend upon it, unless the guardians generally were made to feel the burden, no effectual steps could or would be taken to mitigate the evil. The country guardians, as the law now stood, bore none of the burden, and they opposed those who did, in their attempts to put it down. In the union to which he belonged, the board passed a resolution to appoint a vagrant officer; at the very next meeting this was rescinded by an influx of country guardians, whose interest it was to keep the establishment expenses as low as possible. Again, the guardians proposed to erect sleeping apartments for the vagrants; but this was successfully opposed by the country members of the board, and the only alternative was to quarter them at those nests of vice and misery, the lodging-houses, at a great expense to the parish. The relief of the vagrants was thrown almost exclusively upon the central township, or where the poorhouse was situated. Thus, for instance, in the union of Wakefield, in the six months from October to April, no less than 3,670 cases of vagrancy occurred in one township, that of Wakefield; whilst in Alverthorpe, a populous township, only ten occurred, and in some others not one. He asked upon what principle of justice should the whole expenses be thrown upon one township? He was sorry the right hon. Gentleman had been compelled to abandon his proposed improved system of rating, namely, on the county rate, instead of the old system of averages. However just the system of averages might have been some fourteen years ago, when these unions were formed, the right no longer existed; and he contended, all those charges—the establishment, the irremovables, and the vagrants—ought to be spread over the whole union, by a fair and equitable system of rating. The proposed measure was but a temporary one, and ceased in September, 1849; but he was glad to hear the right hon. Gentleman say he intended to prepare, during the recess, a far more extended plan. No one knew better than he the great evils of the law as it stood; and he believed no one was more sincere in his desire to reform those abuses; and he hoped the right hon. Gentleman would turn his great talents to the consideration of that monster evil, the law of settlement. He considered the late change of five years' residence gaining a settlement a great improvement—a step in the right direction; but it was necessary to proceed; and he would be glad to see the five years reduced to one; at present it was a fruitful source of litigation, particularly in the different townships of a union. It cost the union of Wakefield 10*l.* to 14*l.* per week, or about 600*l.* per annum—a sum more considerable than the whole expense would be of maintaining all these disputed cases; and then, again, look at the hardships it entailed on the poor. If a pauper had gained a settlement by five years' residence, he lost that right of relief and irremovability by removing some fifty or one hundred yards into another township of the same union; and was sent perhaps some one hundred miles off to obtain relief from that parish to which he originally belonged. He contended that, to remove from one township to another in the same union ought not to disqualify him from relief. It gave rise to cases of great hardship and cruelty. He threw out these hints to the right hon. Gentleman; and he hoped he would bring in a measure early next Session to reform these glaring defects and abuses in the system which now existed.

Sir H. WILLOUGHBY had suggested, at the time the poor-law was passed, that small, well-administered parishes should be exempted from the operation of the law. When the right hon. Gentleman attempted to frame a new system of rating for the country, it was very like a breach of faith to these small parishes, and threw an additional burden on parishes where property had been bought and sold under the old system. If a greater burden were thrown upon property than existed at the time of the contract, it would have the effect of confiscating property.

Lord H. VANE thought it would be unjust if, by the area of rating being extended to unions instead of the parochial area, there should, as he believed, be a great additional charge upon railroads. The evil of vagrancy in the north of England was great, and one of the difficulties attending the extension of the area of chargeability was, that without some very stringent measures for the suppression of vagrancy, it would be increased by such extension of the area. The difficulties in the way of a union settlement were very great, and it would be better to proceed by a bit by bit reform, than to adopt at once so extensive a change, to which he foresaw much opposition.

Mr. Alderman SIDNEY said, in the late Chartist disturbances it had been found that the mobs were augmented by the 4,000 or 5,000 vagrants who were always preying upon the community. Unless vagrancy, which was rapidly increasing, was dealt with in a most stringent manner, the large towns would be in constant fear of an outbreak through the recklessness of these persons. The rates of the town of Stafford, which he represented, had increased from 8,000*l.* to 12,000*l.* In Manchester, in 1837, the rates were only 24,000*l.*; whereas in 1847 they had reached the enormous amount of 125,000*l.* [Mr. Buller: The increase was for buildings.] In Norwich and other places there had been a large increase, and some change was absolutely necessary in assessing the rate; for if Norwich, Leeds, London, and other large cities, were to suffer under the infliction of an unequal tax, there would be great dissatisfaction amongst the urban population. Norwich had not only to support its own manufacturing poor, but that of the agricultural poor.

Mr. P. HOWARD said, that some part of the pressure of the rates upon large towns had arisen from the general depression of trade in the early part of the year. He trusted that during the next half year much labour would be absorbed, and that the pressure upon the country would be relieved. The five years' residence might be accounted a grievance; but he believed the right hon. Baronet (Sir J. Graham) had been actuated by the most beneficent motive in bringing forward that clause, and that it was upon the whole founded on the greatest humanity. He trusted that, whatever might be the evils attending vagrancy, the poor-law unions would be ready to grant relief to infirm and aged vagrants.

Mr. HENLEY agreed in what had fallen from the hon. Member who had just sat down, that a great deal of the pressure and temporary suffering in the country had arisen from the unfortunate depression of trade in many parts; and that a great deal of the burden of the rates had arisen from that cause and no other. With respect to the mode of dealing with vagrants, it was a most important subject, and he thought a great discretion should be exercised where persons claimed relief who were in a state of intoxication, or who had means or credit of their own. But he (Mr. Henley) had been disappointed, and he thought the right hon. Gentleman would disappoint the views of the country, by the mode in which he proposed to deal with tramps or professional vagrants. He was sorry to find that they were to be dealt with only by refusing relief. The administration of the poor-law had now become a responsible department of the Government; and the relief of the poor, be they vagrant or casual, would fall into the hands of the relieving officer, who would be an officer of the board of guardians, acting under the Poor Law Board. He could understand overseers putting away cases of unfounded claims for this kind of relief; but when a man in the situation of a public officer dealt with such a claim by simply denying relief, when the party ought to be punished, and which would only throw back the party upon the overseers, he thought that such a mode of dealing with those cases was objectionable. They had better look the evil in the face, in spite of the expense of dealing with it in another way. With respect to railroads, he had never been able to understand the justice of the principle upon which this description of property was rated. He had always felt it to be a difficult subject, and had been reluctant to bring his mind to recognise the justice of the decision; but that description of property, like every other, must abide by the decision of the courts of law.

Sir W. JOLLIFFE said, the vagrant had half-a-dozen reasons now for following his trade which he had not before—workhouses, relieving officers, overseers, were all interested in getting rid of him as fast as they could; and there was this additional cause, that the whole country teemed with beer-shops, many of which had lodgings for the poor—these and other causes gave facilities for leading an errant life.

Mr. HUDSON had, as a chief magistrate, found it only necessary to commit vagrants found in the town. By steadily pursuing this system, and employing a few policemen, he had always found that in five or six days the town was completely cleared. A little additional expense was incurred, but it saved a good deal in the end.

Mr. V. SMITH felt persuaded that the right hon. Gentleman who brought in the Bill ought to be extremely careful to avoid doing anything that had a tendency rather to increase than to diminish the expense attendant upon the present measure; and he rather apprehended that such a result would ensue from the proceedings in which they were now engaged; he should thereforce wish to see the circular which provided for the administration of the law in this matter, As, however, it seemed to be then not convenient to produce it, they might perhaps proceed with the Bill through a Committee, and he should not at present resist its progress.

Mr. BULLER wished to state why

throwing the charge on the union would increase those evils which had justly been made the subject of complaint. Parliament might declare that applying to the workhouse for relief was in itself an act of vagrancy; but what would they do with the class who did not care how soon they committed an act of vagrancy, or what might be the consequences of their actions —who would rather go to gaol than to the workhouse—and who, with the prospect of the latter before them, would take up a stone and break a window in order to their being committed to prison? Of course, if the House chose, they might inflict a more severe punishment than imprisonment; but as his department was not that of penal legislation, he was not prepared to propose any measure on that subject; and if it were his duty to propose such a measure, he should certainly put it off till the next Session. With respect to the charge of vagrancy, he begged to say that if they threw the whole cost on single parishes, they might effect their object much more completely in another way; for if they did not mind justice, their plan would be to place the cost on the clergyman, or on the richest gentleman in the parish. If they resolved to put down vagrancy, they must have a relieving officer appointed for the union at large. In the union at large there was not properly a settlement, but rather in the parish, and the parish officers could scarcely deal efficiently with vagrants; when, however, a union happened to be coextensive with a town, that circumstance gave great facilities in relieving vagrancy; but he thought that the modified plan proposed by the present measure was the best that, under the circumstances, could be proposed to Parliament. He hoped the House would remember that the administration of relief to vagrants did not form any part of the poor-law; and it would be against the whole principle of the poor-law to carry it beyond the parishes in which acts of vagrancy were committed. One of the objects which he had in view was to throw the burden of relieving vagrancy upon those who possessed the power of repressing it.

Clause 1, amended, agreed to.

Remaining clauses agreed to.

House resumed. Report to be received on Monday.

THE GERMANIC CONFEDERATION.

MR. DISRAELI said: I wish to ask a question of the noble Lord the Secretary for Foreign Affairs, respecting a new act of aggression and annexation of that Power which is called, by courtesy, the Germanic Confederation. The House will recollect by the Treaties of 1839, on the dismemberment of the kingdom of the Netherlands, the King of the Netherlands, acting under the advice of the great Powers, among which was Great Britain, ceded a portion of the grand duchy of Limburg to the new kingdom of Belgium; and in that treaty it was regulated that the duchy of Limburg should become a province of the kingdom of the Netherlands—it being a condition in the same treaty that the King of the Netherlands should compensate the agnates of his house, those who were interested in the accession to the duchy which he had ceded, for the loss they might sustain, and that he should also compensate the Germanic Confederation for the loss which it might sustain from a relinquishment of the duchy of Luxemburg. The King of the Netherlands, with the advice and the sanction of Great Britain, made a pecuniary compensation to the agnates of his house; and he also undertook that, although Limburg had become a province of the kingdom of the Netherlands, so far as contingents of men and money went, the Germanic Confederation should not lose anything by the change. These arrangements, I need not remind the House, were perfectly satisfactory to all parties. They tended to maintain the peace of Europe, they were satisfactory to the people, from whom a murmur had never been heard. But by a decree very recently issued by the National Assembly at Frankfort, the arrangements then made are entirely repudiated on the part of the Germanic Confederation, and the National Assembly has decided that it cannot sanction those wise and salutary treaties to which Great Britain was a party. The consequence is, that the same circumstances which have already occurred in Schleswig and Holstein are now likely to occur, if they have not already taken place, in the duchy of Luxemburg. The peace of Europe is again disturbed and menaced by this morbid system of annexation manifested by the Confederation. Having explained the foundation of the inquiry which I wish to make, I now beg to ask the Secretary of State for Foreign Affairs whether he has any communication upon this subject to make to the House; and whether he can hold out any hopes to us that, by his influence, the faith of these treaties can be maintained?

Viscount PALMERSTON: The hon. Gentleman has stated correctly the obligations entered into by the Treaty of 1839. By that treaty a portion of the duchy of Luxemburg was ceded and annexed to the kingdom of Belgium. The House is aware that the grand duchy of Luxemburg formed part of the Germanic Confederation, the King of the Netherlands being a member of the Germanic Confederation, as duke of the grand duchy of Luxemburg; the articles of that treaty of 1839 stated that, in consideration of the cession made by the grand duke of a portion of Luxemburg, he was to receive an equivalent in Limburg. The district was described, and it was to be held by him, either in his capacity of grand duke, or it was to be incorporated with the kingdom of the Netherlands. There was a subsequent article, by which the King of the Netherlands was to compensate the agnates of the house of Nassau for the loss they had sustained, and also the Germanic Confederation. The hon. Gentleman stated very correctly what these arrangements were. The King made an arrangement with the agnates of his house; what arrangement was entered into with the Germanic Confederation, Her Majesty's Government have no official knowledge of. But I have recently had an official communication from the Minister of the King of the Netherlands with regard to the proceedings of the National Assembly at Frankfort, respecting that portion of the empire referred to. Before Her Majesty's Government shall be in a position to decide as to the degree of obligation imposed or conferred in that treaty upon England to interfere with regard to these transactions, I find it necessary to inquire from the Government of the Netherlands what passed between the late King of the Netherlands and the Germanic Confederation. I have not obtained that information, and therefore I am not able to say whether the Government feel themselves bound or entitled to interfere, and if so in what way.

THE METROPOLITAN POLICE.

Lord DUDLEY STUART wished to know whether it was true that certain portions of the police had been armed with swords, having saws at the back; and if they had, whether it was done by the sanction and recommendation of the right hon. Baronet the Secretary of State for the Home Department; and whether it was his intention that they should be habitually so armed?

Sir G. GREY assured the noble Lord that no such intention existed as to arm the police habitually with swords. It had been the practice at different times, and in circumstances of danger, to arm the police. A larger number than usual had been armed in London, Liverpool, and Manchester, in consequence of the threatening language which had been held. The formidable weapons referred to formed part of a store in the Tower belonging to the Ordnance, to whom an application had been made; and they granted a loan of them because they were not the most serviceable. The backs of them were serrated in the manner of a saw, as they were intended formerly for the use of troops in a bivouac, for the felling of trees and the erection of tents. They were not intended for permanent use.

CORRUPT PRACTICES AT ELECTIONS BILL.

On the question that the House resolve itself into a Committee,

Sir De LACY EVANS stated, that cases of extensive treating had been clearly proved in the North Cheshire election.

Lord J. RUSSELL, who was almost inaudible in the gallery, was understood to say that the law as it stood was intended to visit with punishment those who had treated, with the view of corruptly influencing votes; but if the treating existed without any intention of corruptly influencing votes, he did not see how, in such a case, the penalties of the law could be applied. The application of those penalties would naturally depend upon the particular circumstances of each case, for it was impossible to make a law which would apply exactly to every instance.

Sir R. PEEL observed, that there was some misunderstanding as to the effect of the present law; and it was supposed that difficulties arose from its recent change. Now, such, he apprehended, was not the case. The law was not recently made more strict than it was by the old statute which had existed for 150 years. The effect of the noble Lord's alteration was, that if at any period shortly before or after the election there should be treating, with the intention of influencing voters corruptly—that in that case the treating rendered the Member liable to the loss of his seat. In that Act of the noble Lord's, the intent of treating, to render it part of the *corpus delicti,* must be an intent of corruptly influencing. But before that law, the mere giving of refreshment was, under the old statute, an offence, without reference to the motives of the giver, and rendered him liable to the loss of his seat. Such would have been the effect of the Act passed in King William's time—an Act passed not to restrain corruption, but to diminish the expenses of elections. As to the distribution of 2*s.* 6*d.* tickets, he ventured to say, that before the enactment of the noble Lord's measure, the same question which now agitated the House would have equally arisen—namely, the question, whether it be rational to admit this moderate degree of treating, or no—a question and a difficulty which had been engendered and left unsettled by the state of the law as it existed for 150 years.

Mr. HENLEY thought that the existing law had been well explained by the right hon. and learned Member for Bath (Mr. S. Wortley), and the right hon. Member for Tamworth (Sir R. Peel). In the present case, by no possible interpretation of the law were the parties amenable. It was quite impossible to define the proper limits of treating. If inquiry was to be made into every case of a gentleman being hospitable to his tenants, where, pray, was such an inquiry to stop? In the present case it appeared that the treating was neither corrupt, nor given by the candidate. What was there then to complain of? He held that it was a morbid feeling of pureism which had induced the Committee to report the matter to the House at all. The fact was, that if you refused to allow any expenses of the kind to be defrayed by Members, you would be virtually disfranchising the great masses of the poorer classes.

House in Committee.

On Clause 15 (Persons who may be implicated in corrupt practices, and who may be examined, indemnified),

Mr. HOBHOUSE opposed the clause.

The Committee divided on the question that the clause stand part of the Bill:—Ayes 117; Noes 19: Majority 98.

List of the Noes.

Arkwright, G.
Bentinck, Lord G.
Boldero, H. G.
Buller, Sir J. Y.
Christy, S.
Du Pre, C. G.
Edwards, H.
Fuller, A. E.
Hall, Col.
Henley, J. W.
Hildyard, R. C.
Hodgson, W. N.
Hood, Sir A.
Hudson, G.
Lowther, hon. Col.
Mullings, J. R.
Rendlesham, Lord
Sturt, H. G.
Urquhart, D.

TELLERS.

Sibthorp, Col.
Hobhouse, B.

Clause to stand part of the Bill; the remaining clauses were disposed of.

On the Schedule being proposed,

Mr. HODGSON moved that Carlisle be omitted. He would ask, why had London been omitted? Why had Lancaster been omitted?

The SOLICITOR GENERAL: I proposed to insert it.

Mr. HODGSON: Why had Aylesbury been omitted? Why had Sligo been omitted?

The SOLICITOR GENERAL: I was going to propose it.

Mr. HODGSON would add another borough—Athlone. It was true that many of those boroughs had returned Gentlemen who generally supported the views of Her Majesty's Government. He thought the schedule was very partially and capriciously drawn.

Mr. P. HOWARD gave the Bill his most steady and earnest support; and in doing so, he acted in accordance with the wishes, if not of the whole, of a very large and respectable body of the constituency of Carlisle. A petition had been presented from the mayor and corporation of Carlisle, praying that this Bill might pass, and a searching inquiry take place into all the circumstances of the Carlisle election. He (Mr. P. Howard) could not forget that the liberties of a people had been oftener ruined by corruption than by tyranny.

The SOLICITOR GENERAL referred to the report of the Carlisle Election Committee, showing that a large expenditure for the purpose of treating had taken place at the late election; that Mr. Hodgson had been found guilty of treating through his agents, though it was not proved that he had been cognisant of their practices,

Mr. C. BERKELEY hoped the inquiry would be extended to Carlisle and Cheltenham too. Why should the hon. Member wish to screen Carlisle, or shrink from inquiry, if there was nothing he was ashamed of?

Mr. HODGSON did not object to extend the inquiry to Carlisle, if they would make it general.

Mr. WYLD defended the Bodmin constituency, whom he declared to be as pure as any in the empire. They recorded their votes unrestricted and uncontrolled; and the ballot would be of no use to them. Bodmin had undergone the ordeal of a Commission of Inquiry; and the application to it of this Bill was wholly unnecessary.

The SOLICITOR GENERAL was understood to say that Great Yarmouth was originally included in the Bill, but had been withdrawn, in consequence of the freemen being disfranchised. He proposed to insert Sligo and Lancaster, but not Bodmin, Lewes, or Gloucester.

Mr. HENLEY suggested that the Chairman should report progress, to give an opportunity of considering the cases of the boroughs now first proposed to be introduced.

The SOLICITOR GENERAL hoped the Committee would first dispose of Carlisle, before reporting progress.

Mr. HILDYARD said, there were the same grounds for inserting Bodmin as Carlisle.

The SOLICITOR GENERAL read the report in the Bodmin case, where the treating had not been traced to the sitting Member or his agents. In the case of Carlisle, the sitting Member was declared guilty of treating by his agents.

Mr. ARMSTRONG defended his constituents from the charge of corruption.

Sir E. COLEBROOKE, as a Member of the Committee in the Lancaster case, recapitulated its principal features, and said if that borough was included, it would be impossible to exclude any place.

Mr. WYLD said, that as allusion had been made to the Bodmin election, he might state that it had been proved before the Committee that one of the electors had, in his zeal for one of the candidates, issued sixteen refreshment tickets of the value of 5*s*. each. He (Mr. Wyld) would have no objection to Bodmin being placed by itself in the schedule; but he certainly must protest against its being put into such bad company as that of the boroughs now included in the schedule.

House resumed.

Committee to sit again.

SUPPLY—THE BRITISH MUSEUM.

Sir R. PEEL, in moving the estimates for the British Museum, observed that he was sure he should consult the wishes of the House by refraining from any lengthened remarks at so late a period of the night. The original estimate on account of the Museum was 53,000*l*.; but a saving had been this year effected by the trustees to the amount of 5,000*l*. The reduced estimate was now 48,000*l*. A sum of 25,000*l*. had been already granted on account; and he had now to move that the balance, 28,445*l*., be voted. In proposing this vote he was sure the House would excuse him for a single moment, if he referred to the magnificent bequest which had been made to the country by the late Mr. Grenville, One of the finest libraries that had ever been formed by the literary skill and knowledge of a collector had been presented to the Museum by that gentleman. During his lifetime, Mr. Grenville, as every one who was acquainted with literature and science knew, devoted many years in collecting books of the rarest worth, and at his death he munificently devoted them to the public use. The library consisted of not less than 20,000 volumes, and the cost to Mr. Grenville was 54,000*l*.; but the intrinsic value of the collection could not be estimated by any reference to its pecuniary value; for it was one of the most extraordinary collections that had ever been made. It was impossible that he (Sir R. Peel) could let this the first opportunity which had presented itself, pass without publicly expressing the gratitude and respect and esteem which he was confident every one must entertain for the memory of an excellent man and eminent statesman, who in his lifetime rendered great and valuable service to literature and to science, and at his death bequeathed a most munificent gift to his country in furtherance of those two great objects. The right hon. Gentleman concluded by moving that the sum of 28,445*l*. be granted to Her Majesty to complete the sum necessary to defray the charges of the British Museum for the year ending the 25th of March, 1849.

Vote agreed to.

House resumed.

SUGAR DUTIES BILL.

On the question that the Sugar Duties Bill be reported,

Lord G. BENTINCK trusted that the right hon. Baronet the Chancellor of the Exchequer would not bring up the report upon the Sugar Duties Bill, unless he wished the name of Wood to be immortalised in this Bill of blunders. If he persevered, there would be nothing but laughter at him and the hon. Member for Westbury. There was not a merchant in the City who would take the Chancellor of the Exchequer for his clerk. He was sure if this Bill was persevered in, there was not a merchant's clerk in the City who would not believe that he ought to be the Chancellor of the Exchequer. It was, therefore, as a friend of the Government he came forward. He did not care a jot about the blunders, as they were all in favour of the West Indies; he only desired not to see the right hon. Gentleman become ridiculous.

The CHANCELLOR OF THE EXCHEQUER believed the calculations on which the duties were based were correct, and he would persevere in bringing up the report. He was quite willing that no merchant in the City should receive him as a clerk.

Bill reported. To be read a third time.

On the Motion of Mr. PARKER, the House at its rising adjourned to Monday next.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Monday, August 7, 1848.

MINUTES.] PUBLIC BILLS.—1ª Farmers' Estate Society (Ireland); Insolvent Debtors Court.

2ª Reproductive Loan Fund Institution (Ireland); Juvenile Offenders (Ireland); Rum Duties; Land Tax Commissioners' Names; Windsor Castle and Town Approaches Improvement; Paymaster's Offices Consolidation; Naval Medical Supplemental Fund Society.

Reported.—Public Works (Ireland) (No. 2); Salmon Breed Preservation.

3ª and passed:—Regent's Quadrant Colonnade.

PETITIONS PRESENTED. From the Mayor and Corporation of Waterford, for the Abolition of Ministers' Money.

JUVENILE OFFENDERS (IRELAND) BILL.

LORD MONTEAGLE: The Bill before the House is one founded upon a law passed for England a few years back, and provides for the punishment of juvenile offenders in a summary way; protecting the young from the contamination connected necessarily with a long association with criminals, and relieving the gaols of Ireland from a large and increasing class of prisoners. The English Act has, I believe, been found to work usefully in this country: I have not heard any proposition made for its amendment. The present Bill may be considered as a mere transcript of the English Act, with such amendments only, in respect to the appropriation of fines, the adjudication of sentence, and the infliction of punishment, as the peculiar circumstances of Ireland render necessary.

But the discussion of the question, and more especially the relief which this Bill will afford to our overcrowded prisons, renders it not only appropriate but necessary to refer to their present most melancholy state. On this subject there was information on the table of the House which deserved to be noticed and recorded. Accustomed as the public was to hear of the wretchedness of Ireland, the reports on the administration of the criminal law illustrated the condition of that country in a manner the most striking and melancholy —I allude to the returns of criminal offenders, and to the reports from the prison inspectors—officers appointed by the Government, and acting impartially in the discharge of an important duty. It will appear from these documents that at least a portion of the existing evil may be traced, not to natural causes, but to the Acts of the Legislature itself, passed with a very different intent. It is in the first instance worthy of consideration to review the progress of crime, which is as follows:—

Years.	Convictions.	Commitments.
1841	9,271	20,796
1842	9,874	21,189
1843	8,620	20,126
1844	8,042	19,445
1845	7,101	16,696
1846	8,639	18,492
1847	15,233	31,209

It will thus be seen that between the first and the last of these seven years the commitments have increased fifty per cent, and the convictions in a still greater proportion.

The consequences of this upon our prisons is still more alarming, and it is forcibly described in the report of the inspectors of prisons presented during the present Session. These public officers make the following melancholy and alarming statement:—

> "The inspectors and boards of superintendence had brought the county gaols as a general rule to a state of which any country might be proud. The terrible catastrophe which has disorganised the whole framework of society fell on these establishments; and instead of statements of improved discipline, enlarged accommodation, advanced instruction, we can only describe industry given up, classification destroyed, separation unattempted, and disease and death increasing to a degree that never could have been contemplated by those acquainted with the usual orderly and healthy state of our gaols. The three principal causes are: first, distress amounting to famine; second, the sudden cessation of transportation; third, the passing of the Vagrant Act. The effect of the first has been to quadruple the evils occasioned by the two last; 12,883 prisoners are now confined in gaols fitted to contain 5,655 only. And the deaths in prisons have increased in the following ratio:—

	Deaths.
1845	81
1846	131
1847	1,315

The expense of maintaining the prisons has augmented in the last year from 75,000*l.* to 125,000*l.*"

Here it is to be remarked that two out of three of the causes assigned for the increase of crime, namely, the cessation of the system of transportation, and the Vagrant Act, are the direct effects of the acts of the Legislature, and of the Government. It should also be remembered that the Select Committee of this House specially condemned the abolition of transportation, more especially as applicable to Ireland.

But the prison inspectors cast further light on this subject, and the following observations which they make are most important:—

> "In many gaols the working of the Vagrant Act, whereby an immense mass of destitution, filth, and disease is forced into prisons, never in their original construction calculated to receive such numbers. Many of these wretched creatures are obliged to lie on straw in the passages and dry rooms of the prisons, without a possibility of washing or exchanging their own filthy rags for proper apparel. The effect of such a state of things as this on the health and lives of the other unfortunate inmates of the prison, require no comment. The general distress has increased the pauper debtors; a class little removed in filth, misery, and destitution from the vagrants. In the gaols of Tyrone and Armagh, debtors are crowded into accommodation which renders the occurrence of disease little short of pestilence almost inevitable. A great number of boys, in most instances under twelve (in Cork gaol they amount to 200), have found their way into gaol; some for stealing food; others, the greater number, to be transferred from the workhouse to the prison for better diet. The necessity of discontinuing transportation: at the commencement of 1847, there was not accommodation for one additional convict subject to transportation. In 1847, these convicts increased fourfold; an average of seven years showed of such convicts 618, whilst in 1848 the number was 2,350, including 200 left over from former years."

For much of this misery it is observable that our Legislature and the Government are responsible.

But in discussing the state of crime, it is wholly impossible to overlook one striking class of offences, that which is connected with the robbery of arms. During the last two years, the offence had been perpetrated to such an extent as to leave no tenant farmer in the possession of those arms which the law entitled him to hold. The Arms Act had been allowed to expire. It had been objected to on supposed constitutional grounds. It was held a right to have arms; and yet all loyal men were deprived of them by force. They were protected, it is true, from the supposed outrage of the visit of the magistrate and the constable; but they were unprotected from the burglary of the rebel and the incendiary. And at the same time, arms and ammunition were bought and sold with as much publicity as the ordinary transactions of purchase at fairs and markets. The arming of the dockyard battalion was not carried on more openly from the Ordnance stores than the arming of the peasantry. This was open and undisguised. It was also unchecked. In Ireland there was no manufactory of ordinary arms. There was no manufactory of gunpowder. It would consequently be easy to guard the ports and to check importation as a contraband trade. Was this effectually done? The consequences of the social disorganisation are exhibited in the following account, which it is melancholy to refer to, and which I am unwilling to trace to the political causes and party incidents from which an absence of wise and effective legislation had proceeded:—

Robbery of Arms.

Years.	Offences reported by Constabulary.	Convicted.	Acquitted.	Total.
1844	159	4	14	18
1845	551	10	8	18
1846	611	15	22	37
1847	1,606	26	53	79

Compare this with the number of arms seized or detained by the constabulary under 11 Vict., c. 2, which had been passed during the present Session to repress these crimes. The amount is as follows:—

Guns	445
Blunderbuses	17
Pistols	246
Pikes	11

In the county of Tipperary, which in these crimes enjoys an unenviable notoriety, no more than 88 guns, 7 blunderbuses, and 85 pistols, were seized. Was it proposed that this should continue unchecked, and that the Irish prisons should be left to be overcharged with criminals to contaminate each other, and to resume their trade of crime when discharged from custody? A noble Lord (Earl Fitzwilliam), and one who had the strongest attachment to the principles of liberty, had said that he could not tolerate this comparative impunity of crime from any misapplication of what he truly called the "jargon of constitutional principles."

The present Bill, and the Bill abolishing Imprisonment for Debt, would be some small mitigation of the miserable state of our prisons. On these, as well as on other grounds, I consider the Bill entitled to a favourable consideration; and I, therefore, move its second reading in full confidence that it will meet the approval of the Legislature.

Bill read 2ª.

RUM DUTIES BILL.

The EARL of GRANVILLE moved the Second Reading of the Bill.

The DUKE of ARGYLL said, that before the Bill was read a second time, he wished to put a question to the noble Earl on the subject of this Bill. The House was aware that there existed a differential duty between the colonial and the home distiller, and the object of the present Bill was to lower that difference. The home distillers did not complain of this; but they complained of restrictions which were imposed upon them with respect to warehousing spirits. When this Bill was introduced into the other House, a Bill was also introduced with respect to warehousing British spirits. He wished to ask whether it was the intention of the Government to endeavour to obtain the sanction of Parliament without delay to the British Spirits Warehousing Bill?

The EARL of GRANVILLE replied, that it was the intention of the Government to proceed with this Bill with as little delay as possible.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Monday, August 7, 1848.

MINUTES.] PUBLIC BILLS.—1° Poor Removal (No. 2); Nuisances and Contagious Diseases; Petty Bag, &c. Offices (Court of Chancery).

2° Registering Births, &c. (Scotland); Marriage (Scotland); Criminal Law Administration Amendment; Registers of Sasines, &c. (Scotland); Money Order Department (Post Office).

Reported.—Turnpike Roads (Ireland); Canada Government; Militia Ballots Suspension; Fisheries (Ireland).

3° and passed:—Insolvent Debtors Court; Payment of Debts out of Real Estate.

PETITIONS PRESENTED. From the Parish of Lansallos, Cornwall, in favour of the Abolition of Church Rates.—By Admiral Gordon, from Fraserburgh, Aberdeen, for a Better Observance of the Lord's Day.—By Mr. Duncan, from the Town of Dundee, against the Marriage (Scotland) Bill.—By Mr. Lushington, from Members of the Baptist Union of Great Britain and Ireland, for the Withdrawal of the Regium Donum Grant.—By Sir Edward Buxton, from the Parish of St. Mary Spital, for an Alteration of the law respecting Sunday Trading.—By Lord George Bentinck, from the House of General Assembly of Tobago, for Procuring a Portion of the Captured Africans for that Colony.—By Mr. Henley, from Agriculturists and Others, for Repeal of the Duty on Malt.—By Mr. Hume, from Montrose, for Abolition of the Montrose Annuity Tax.—By Captain Jones, from Dealers in Spirits, of the Town of Coleraine, for Altering the British Spirits Warehousing Bill.—By Mr. Hume, from Admiral Sir Edward Codrington, G.C.B., for Inquiry respecting the Merchant Seamen's Fund.—By Mr. Bourke, from the Grand Jury of the County of Kildare, for Alteration of the Poor Law (Ireland).—By Mr. W. Lockhart, from the Parochial Board of the Barony of Glasgow, against the Registering Births, &c. (Scotland) Bill.—From Brewers and Retailers of Beer, of the Town of Reading, for Repeal of the Sale of Beer Acts.—By Lord George Bentinck, from Shipowners, and Others, of the Port of Sheilds, respecting the Boundaries of that Port.—By Mr. Hollond, from the Trustees of the St. Leonard's and Sedlescomb Turnpike, to take the Turnpike Trusts into Consideration.—By Mr. Fuller, from the Trustees of the Flimbell and Hastings Turnpike Road, for Alteration of the Turnpike Acts Continuance Bill.

REGISTRATION OF BIRTHS AND MARRIAGES (SCOTLAND) BILLS.

The LORD ADVOCATE, in moving the Second Reading of these Bills, said, he was not aware that any distinct objection had been taken to the principle of them. As to the complaints which had been made of the time at which they had been brought forward, he begged to remind the House that both the principle of the measures and the machinery by which it was proposed to carry them out had been already fully discussed. Bills had been introduced, read a second time, and passed through Committee *pro formâ*, and then withdrawn for certain alterations. The present Bills had been introduced in the House of Lords at the beginning of the year, and copies of them had been sent, by his direction, to every town and borough in Scotland. Since March not fewer than 300 copies had been so distributed. With respect to the principle of the measures, the same considerations which in 1837 had led to the introduction of a system of registering births, deaths, and marriages in England, must equally lead to the adoption of such a system for Scotland; and the object was to establish there what had been found to work so advantageously in this country. The expense for the whole of Scotland would not exceed 9,500*l*, It would be regulated in the same manner as in England, and would be subject to the control of Parliament by an annual vote. One ground of opposition to the Bill was, that it was proposed to connect the payment of the expenses with the charges for the relief of the poor. If the rate were large, he should not be prepared to connect it with the poor-rate; both the establishments would be distinct, and there would be no mixture of accounts; and if there was a proper machinery, and if the accounts of what was to be applied to the poor, and what was to be applied to registration, were kept distinct, there could be no objection to the connexion. No one denied that the expense of registration should be borne by a parochial rate. There was another Bill, for altering and amending the law of marriage in Scotland. It would be useless to introduce a Bill for registering marriages without altering the law of marriage. The law of Scotland as to marriage was this—it adopted the principle that consent alone made marriage. That was the principle of the general law of Europe, and at one time was the law of England. The law of Scotland did not require the presence of a priest, nor the intervention of any religious ceremony. The law of Scotland considered marriage to be a civil contract, but it did not provide any particular mode by which that contract was to be proved. Marriages in Scotland might be had in this way—parties might say to each other, no witnesses being present—"We agree to marry;" that would be a good marriage if the parties acknowledged their marriage afterwards, or without such acknowledgment if witnesses were present at the agreement. Or writings might be interchanged between the parties, which would constitute a valid marriage, and this was often done, not for the legitimate purpose of marriage, but in order to enable a woman to establish her *status* as a widow, and thereby to obtain a large sum from an insurance office, or other funds. There were other modes of marriage. If a man promised a woman to marry her, and if intercourse took place between the parties, that gave effect to the promise, and the marriage was held to be rendered effectual by consummation. Formerly the oath of the party was required, but now consummation alone was held sufficient. A looser marriage law, he believed, was not known in any civilised country, and it was a reproach to Scotland that such uncertainty should exist. Cases occurred of conflicting decisions of the courts as to the validity of Scotch marriages. There was a recent case upon which the Lord Ordinary decided one way, and the Court of Session another; and when the case went before the House of Lords last Session, after hearing an argument which lasted a fortnight or three weeks, the House of Lords overruled the decision of the Court of Session, and affirmed that of the Lord Ordinary, whereby the validity of the marriage was established, whereas the parties in that case never intended to contract a marriage, and the decision led to the grossest hardship. There was a case in which a man in the presence of his servants said of a woman with whom he lived, "This is my wife, she saying nothing, and a few hours afterwards he shot himself. It was decided that he was sane, and after a litigation of many years it was decided by the House of Lords that the marriage was good; and under that decision an estate of 20,000*l.* a year went from the heir-at-law. He did not mean to interfere with the principle of the marriage law of Scotland or with those parties who chose to go through a religious ceremony before a clergyman—he left that as it was; but with regard to other marriages, called irregular marriages, what he proposed to do was this:—Here was a registry; if parties did not wish to marry before a clergyman—and he did not propose to compel them—they must go to the registrar, and have their marriage recorded, and thereby secure themselves and their issue, as well as the public, against the evils which did and must arise from marriages so loosely and easily contracted. Was the Legislature to encourage clandestine marriages? He had never heard a person bold enough to say that such a relation might be contracted and the contract concealed, and that each of the parties might have an opportunity of denying it. Wishing not to interfere with the principle, but only to establish a record, he said that if parties did not go before a clergyman, they should not resort to an equivocal mode of proving their marriage; they should go before the registrar, and if they did neither, he said all other modes should be excluded, and the marriage should be no marriage. It had been objected that he was giving validity to irregular marriages. What was an irregular marriage? If bans were not proclaimed in church, and if, without proclaiming bans, the parties went to a clergyman and he married them, that was an irregular marriage; and, in that case, the contriver of the marriage was liable to a certain penalty. What were these bans? It was not said that the bans should be published in a certain manner; they might be read three times on one Sunday, when only servants were present in the church, or nobody might hear them, and if a certificate were given that the bans had been proclaimed, the marriage might be celebrated by a clergyman, who was not subject to a penalty. That was the security which the law of Scotland afforded to marriages, and that was called encouraging regular marriages, and discouraging irregular ones. Suppose the bans were not proclaimed, and no clergyman was applied to, and the marriage was absolutely irregular. Suppose two parties stopped a man in the street, and said, "This is my wife," and "this is my husband;" or suppose they went before a magistrate—all these were irregular modes of marriage; but there was no penalty by the law of Scotland. But if some of the decencies of life were preserved—if a clergyman married the parties—the law of Scotland said, because you resorted to any religious ceremony at all, the clergyman shall be liable to a heavy penalty because the bans were not proclaimed. If you resort to religion without proclaiming the bans, the clergyman is subject to penalties; but if you give up religion altogether, and have nothing to do with a clergyman, it is no matter; the marriage is good, though irregular, and there is no penalty. It could not be said that he encouraged clandestine marriages by putting down all modes of marriage except by a clergyman or before a registrar; yet petitions had been sent to that House complaining that this Bill encouraged clandestine and irregular marriages. The learned Lord concluded with moving that the Bill be read a second time.

Mr. DUNCAN said, this Bill had been considered in almost every district in Scotland, and it was a matter well worthy the attention of the House, that in the course of the last year as many as two hundred and thirty-nine petitions from various parts of Scotland were presented against the Bill, and in favour of it only five petitions. At present there existed but one feeling on the subject, and that was decidedly opposed to the measure. Now, supposing that there was not clear evidence of that fact, he would ask the House, did their experience of the Scottish people lead them to think that that portion of Her Majesty's subjects were so fickle as to entertain strong opinions at one side of such a question last year, and change those opinions to the other side in the present Session? He thought he had very strong grounds for complaining that at this period of the Session the Bill now before them was hurried forward with unseemly haste. It was only on the 28th of July, that it had been printed, and it was therefore impossible that copies could even by this time have been transmitted to the north of Scotland. He was not opposed to a Registration Bill, but he was decidedly opposed to the Bill then before them; and he should now move as an Amendment that it be read a second time that day three months.

Mr. HUME said, that as he was not opposed to the principle of either Bill, he should rather not vote in favour of the Amendment. He should wish to take the second reading of the Marriages Bill then, and postpone further proceeding on the subject until next Session. He did not deny many of the inconveniences which had been pointed out by the learned Lord, and he felt no indisposition to support a measure the object of which would be to make people cautious; but he thought it extremely unfair at such a period of the Session as the present, to press forward a measure of this kind, without giving the parties principally interested an opportunity of being heard. They were proceeding with this Bill without any request from the people of Scotland to that effect. The learned Lord, in bringing this Bill forward, plainly wished to carry the House with him; but what sort of a House did he address? Throughout the whole of his speech there were not forty Members present. It was like the manner in which it was endeavoured to pass the Bank Bill last year; and what was the result—a universal condemnation of the whole proceeding. He wished registration to take effect; but he objected to the first Bill, because he did not think it would furnish a fair and honest registration. Under it any man might register his own death or the birth of a child, or that of a child which was dead. He wanted to see something like the system of registration which prevailed on the Continent, where no registration was effected till witnesses were examined, and every species of fair investigation instituted. It was really too bad thus at the close of a Session to bring in such a measure. The Bill, in its present form, had been submitted to the Statistical Society—a body very competent to judge of its merits and its demerits. By them very serious imperfections had been pointed out; and the learned Lord agreed then to refer the Bill to a Committee upstairs, after which the Bill was for a time at least withdrawn. That, certainly, was not an inexpedient proceeding, for the society had detected and exposed many grave errors. Let them make it a perfect measure, and it should have his support, but not otherwise. He could not assent to an imperfect measure, which was to be worked at an expense of 10,000*l.*; and he thought that the people of Scotland were fairly entitled to have such a Bill considered by a Committee upstairs. He should be well pleased, therefore, if the Lord Advocate did not at present call upon them to go into Committee, especially when it was recollected that during the present year not one petition had come from Scotland in favour of the Bill. He should vote against the further progress of the Bill in every stage; but as he was not against the principle, he should agree to the second reading upon the understanding that they were in the present Session to proceed no further, otherwise he should vote in favour of the Amendment.

Mr. LOCKHART was most anxious to carry out the wishes of his constituents by opposing the Bill which the learned Lord had brought under their consideration. But, however desirous he might be to resist every stage of the measure, he could not remain in town for that purpose, for a corps of yeomanry to which he had the honour to belong had been called out upon service in the disturbed districts, and he therefore must bring his Parliamentary attendance to a close. Serious opposition had been raised against the measure, and though many persons approved of the Bill, and admitted the soundness of its principle, yet they had never been told what the expenses of it were to be. Ought they, under such circumstances, to proceed to deliberate upon the details of such a measure? The Session was just closing —he saw by the newspapers that the Ministerial Gentlemen were to have their fish dinner on the 19th. Was it reasonable, then, to ask them to go on discussing such a Bill when there was not even a quorum present? He should move that the House be counted.

Upwards of forty Members were present.

The debate proceeded.

Colonel THOMPSON said, a question before the House, connected with this Marriage Bill, was, whether it was politic and wise to cut off the outlet for hasty, and it might be irregular, marriages, which existed in consequence of the actual state of the law in Scotland? The point for a father of a family to decide, was, whether, if his daughter was unhappily carried off in the way that sometimes happened, he would wish she should be married within twelve hours, or kept for a fortnight. Both English and Irish Gentlemen were interested in this subject; and it appeared extremely likely that it would be for the welfare of the female part of the community that the law should continue as it was. He knew that hon. Gentlemen on the opposite side were anxious for what an English classic called "the preservation of the female game;" but if they would suppose the case applied to themselves, they would discover that they had a countervailing interest in maintaining the law as it stood.

Mr. F. SCOTT said, the religious ceremony ought to be that portion of the proceedings connected with marriage which the House should especially recognise, and he wished that they could enforce a greater degree of strictness than had yet been put into operation with respect to the law of marriage. He believed that no one now denied the necessity of registration; at the same time, he hoped the House would not at so advanced a period of the Session proceed further with the Bill.

Mr. HENRY DRUMMOND observed, that every one agreed in this, that the Bill then before them was the same measure that had been before the people of Scotland since last April twelvemonth, and, although everybody agreed in the principle, yet hon. Members seemed to contend that there was not now time to consider the measure—they agreed in the principle, but they did not like the machinery; and that reasoning, if good for anything, went to show that they ought at once to go into Committee on the Bill. He felt considerable suprise that hon. Members did not appear to be aware of the inconvenience which resulted from the present state of the law upon all occasions where it became necessary to inquire into cases of disputed succession. One case he might mention, it was that of a woman, who for some time was known in Glasgow by a particular name; she afterwards went to America, and in consequence of some legal proceedings which had been taken, as many as 300 persons of the same name started into existence, which stopped the whole of the proceedings that had been instituted with regard to the property that had in the first instance occasioned the litigation. Marriage consisted of two parts, the religious part and the civil contract. With the latter alone had the State to do, in order that it might know to whom property should descend, leaving every person of right feeling, who desired also to receive the blessing of God in respect to the act of marriage, to decide where he would go for that blessing. He therefore thought it would be necessary to leave out of the Bill all the religious part; but he trusted that the learned Lord would press both Bills through Parliament during the present Session.

Mr. ELLIOT: The law of marriage in Scotland was disgraceful, and attended with serious consequences, particularly to the female part of the community. He thought that the statements of the learned Lord must convince the House of the absolute necessity of some change in respect to it. He saw no reason for putting off the Bills, as their nature was perfectly well known by the people of Scotland.

Mr. STUART WORTLEY was sensible of the mischiefs experienced by the present state of the marriage law in Scotland, and of the imperious necessity of some change. Therefore, if the learned Lord would be satisfied simply with the affirmation of the principle, that some alteration of the nature proposed should take place, both in respect to marriages and registration in Scotland, he would readily assent to the second reading of each of the Bills; but, thinking it would be difficult, if not impossible, to give anything like due consideration to the details of the measures in the present Session, he felt bound to urge the hon. and learned Lord not to press them beyond the second reading. If the Marriage Bill stood alone, so great was the necessity of some change in the law, that it might possibly pass during the present Session; but, mixed up as it was with the machinery of the other Bill, it would require an elaborate discussion; and he would ask whether there was any reasonable prospect of an opportunity for such discussion being afforded at that period?

The LORD ADVOCATE said, in reference to the course suggested by the right hon. Member for Buteshire, that he must press the second reading of the Bills unconditionally. At the same time he did not mean to say that he was not aware of the importance of some observations which had fallen from Scotch Members; and he should consider whether those observations were such as to induce him, in reference to the period of the Session or the state of the House, not to proceed with the Bills. He must, however, be understood as not pledging himself not to proceed with them.

Amendment withdrawn, and the Registering Births, &c. (Scotland) Bill, and the Marriages (Scotland) Bill were both read a second time.

EMIGRATION.

Lord ASHLEY asked whether Ministers, seeing the great and intense interest upon the subject of emigration, were prepared to take that subject into consideration during the recess, with a view to diffuse information, and afford facilities to those who desired to emigrate; he did not mean by an advance of money from the public funds?

Lord J. RUSSELL could assure the noble Lord that the Government would be very happy to take any steps that might tend to diffuse information upon the subject. He thought that it would not be desirable, even if they had the means, to propose at present any large grant for the purpose, and that those who were desirous of emigrating would do much better to concert among themselves to make their emigration regular and well conducted than to look to the Government.

Lord ASHLEY: With the aid of whatever facilities the Government can afford.

THE NORTH OF ITALY.

Mr. P. HOWARD rose to ask, whether it were the intention of Her Majesty's Government, either singly or in concert with her Allies, to mediate between Sardinia and Austria, for the pacification of the North of Italy?

Viscount PALMERSTON: In answer to the question of my hon. Friend, I can assure him and the House that Her Majesty's Government are deeply sensible of the great importance of seeing a termination put to that unfortunate warfare which is now taking place in the north of Italy; and I am able—although I have no right to speak for another Government—yet I believe I may assure the House that that desire is equally shared by the Government of France. Her Majesty's Government are, therefore, about—I may say, already engaged, but about to take steps, in conjunction I trust with the Government of France, for the purpose of endeavouring by amicable negotiation to bring that warfare to an end.

THE BELGIAN SUGAR TARIFF.

Lord G. BENTINCK had given no notice of the question he was about to put to the Foreign Secretary, but no doubt the noble Lord could answer it at once: it was, whether he was not in possession of an official report of the Belgian Government, giving a distinct contradiction to the statement made the other night by the Chancellor of the Exchequer and the hon. Member for Westbury (Mr. J. Wilson); and if so, whether the document would be laid on the table?

Viscount PALMERSTON believed the Belgian Government was better engaged than in contradicting statements of Members of this House. But he really did not know to what the noble Lord referred.

Lord G. BENTINCK referred to the statement made respecting the sugar duties, and the premium given by the Belgian Government on the exportation of refined sugar.

Viscount PALMERSTON would ascertain whether there was such a document.

Lord G. BENTINCK: You have got it.

PUBLIC HEALTH BILL.

House in Committee to consider the Lords' Amendments in this Bill.

Clauses 1, 2, 3, 4, 5, 6, agreed to.

On Clause 8 (on the petition of not less than one-tenth of the inhabitants rated to the relief of the poor, the General Board of Health may, if and when they shall think fit, direct a superintending inspector to visit such city, town, borough, parish, or place, and to make public inquiry, and to examine witnesses, as to the sewerage, drainage, and supply of water, the state of the burial-grounds, &c., for the purpose of enabling them to judge of the propriety of reporting to Her Majesty),

Viscount MORPETH was aware that peculiar importance was attached to this clause, owing to the circumstances under which it had been introduced into the Bill. It must at once be admitted, the clause was at variance with the principle of the important Amendment made in the Bill when it was before the House of Commons, on the proposition of the hon. Member for Oxford, and assented to by the Government. In the House of Lords this Bill had been referred to a Select Committee; and he believed that in determining on that course their Lordships were actuated by no desire to infringe upon the constitutional privileges of the House of Commons, but solely by a wish to make the Bill as efficacious as possible. The clause was proposed by a right rev. Prelate, who, perhaps, had a more intimate acquaintance with the condition and requirements of the poor than any other Member of his sacred order; for his Lordship had derived his knowledge upon those points partly from having performed his duties in the most exemplary manner, partly from being the bishop of the most densely peopled diocese, and partly from having acted as a Member of the Commission appointed to inquire into the health of towns. But although the clause came to the House recommended by what he at once admitted to be very high authority, he was about to ask the House to consent to make an alteration in it. Having placed himself in communication with the Registrar General—whose official reports, by the way, were the most valuable documents in a statistical point of view which ever appeared in this or any other country—that officer had expressed an opinion that the state of diseases enumerated in the clause would not always afford a fair criterion of the sanitary condition of the district, and therefore he was about to propose an alteration in the clause, which would effect the object which the framer of the clause and the House of Lords had in view in a more simple manner. The returns of the Registrar General gave for every registration and sub-registration district in England an accurate account of mortality, and the proportion of the number of deaths, calculated on an average of seven years, to the population at large; and he intended to make that information available for the purpose of the amendment which he wished the House to effect in the clause. He would propose that all the words in the clause relating to particular diseases should be omitted, and their place supplied by other words, which would provide that where the deaths in "any city, town, borough, parish, or place" should amount to twenty-three to a thousand of the population for such "city, town, borough, parish, or place," the General Board of Health might direct inquiry to be made for the purpose stated in the clause. The proportion of twenty-three to 1,000 would afford security that the Act would not be put into operation except in cases where there was such a manifest amount of unhealthiness indicated by the high rate of mortality, that no persons possessed of the ordinary feelings of humanity would object to the application of sanitary regulations. The average of deaths for all England, according to the Registrar General's returns, was twenty-one to 1,000 of the population. The average in the most healthy districts—Reigate, Godstone, and Barnet—was fifteen and sixteen to 1,000; and the average in the most unhealthy districts was twenty-nine and thirty to 1,000. When, therefore, he took twenty-three to 1,000 as the proportion of deaths necessary to justify the application of the Act to any district. it could not with justice be alleged that he had fixed upon too low an average. Before resuming his seat, he was anxious to address a few observations to the House upon a topic of the deepest interest. It was far from his wish to excite undue alarm on the subject of the cholera; but he would not be acting a fair and friendly part to the public, were he to conceal the fact that it had been ascertained that the cholera was advancing in precisely the same direction as that which it pursued in 1832—that it had been heralded in this country by the same precursor as on the former occasion, namely, a great amount of influenza, which prevailed a few months ago, and by a great increase of diarrhœa, ending fatally in many cases, now prevalent—and that by recent accounts it had spread as far west as Riga, Narva, and Revel. It would be most gratifying to his feelings to be able to state that this frightful visitation was approaching us in a more mild form than that under which we had already had dreadful experience of its mortal effects; but unfortunately that was not the case, as would appear from the communications received from our Ministers and Consuls abroad, some of which he would take the liberty of reading to the House. A return of the casualties from cholera at St. Petersburgh to the latest date, July 24, gave the following results:— Cases, 17,742; deaths, 10,138; cures, 4,618; under treatment, 1,986 — Proportions per 100 — deaths, 57; cures, 26; under treatment, 17. At Moscow the cases were 9,754; deaths, 4,309. The account from Odessa was almost as afflicting:—

> "Odessa, June 28, 1847.
>
> "My Lord—The presence of the cholera in this town was for the first time acknowledged by public authority yesterday. According to official report there were on that day—New cases, 133; deaths, 44; recoveries, 23. And from the 19th of May to the present day, in town and in the port —total number of cases, 824; of deaths, 332; of recoveries, 235; remaining sick, 257. The present population of Odessa is stated to exceed 90,000 inhabitants. I am not yet prepared to speak on the mode of treatment adopted here, which, in the hands of professional men, varies very materially under different circumstances. All condemn neglect of first symptoms, however trifling, recommending instant and energetic remedies; and the simplest means thus applied, in numerous cases, have proved successful; such as large doses of the essence of peppermint, even brandy with pepper or ginger, and, in particular, violent friction. The cholera is reported to be very severe in Nicolaveff and Cherson, and in parts of Bessarabia. It is spreading throughout the country, and is advancing rapidly westward. It has likewise reappeared in the towns on the Azoff, though in a very slight degree.—I have, &c.
>
> "James Yeames.
>
> "The Right Hon. Viscount Palmerston, G.C.B."

The noble Lord read several other letters to show the progress of the disease. It could not be expected that the adoption of the Bill now under consideration would arrest the approach of this most malignant and mysterious disease, which was spreading over the whole territory from the Neva to the Nile; but all testimony derived from experience, both in this country and abroad, showed that if we could not arrest its progress or prevent its arrival, still it was possible to modify materially its effects, if not to save some districts from its ravages altogether. A recent number of a most able publication called the *British and Foreign Medico-Chirurgical Review* proved by induction from a mass of facts that certain atmospheric conditions and electrical states concurred in the production of cholera; "but," the *Review* observed—

> "Whatever be the electrical or the atmospheric conditions of the air during epidemic visitations of cholera, there is no doubt that, in any given country, we can with tolerable certainty foretell both the locality and the class of people which will be chiefly affected. The locality will be that in which, from situation, or from the habits of the inhabitants, the air is damp from the exhalations from rivers or marshes, and is at the same time rendered impure by the animal and vegetable exhalations which steam up from a crowd of people, ignorant or careless of sanitary precautions; and the class of people will be those who are subjected to these influences. These simple principles—so simple, that it appears almost unnecessary thus formally to announce them—have been proved by a multitude of observations, both in this country and in India."

Knowing, then, that the victims of this dread and mysterious disease were chiefly to be found amongst those classes who were unable to adopt sanitary precautions, he felt justified in calling upon the House to adopt the Amendment which he had offered to their consideration. If after Parliament had broken up, the cholera should suddenly appear in this country, spreading dismay and consternation in every quarter, hon. Members would not like to have their conscience accuse them of having neglected an Amendment which would probably have the effect of mitigating the ravages of that dreadful pestilence.

Mr. HENLEY was surprised that the noble Lord, after expressing the greatest respect for the right rev. Prelate who had proposed the clause now under the consideration of the House, should have taken the extraordinary course of proposing the omission of the most important portion. As to the cholera, if it should please God that that dreadful disease should come here, the cumbrous machinery of the Bill and the immense time which would be necessary to put it in motion, would prevent its being of any use in staying its ravages. The noble Lord's statements on that subject were all very well as a means of exciting public attention upon an important matter, but they had no practical bearing upon the clause before the House. He thought Members should be allowed some time for consideration; it was hardly fair to call upon them to pronounce "aye" or "no" with respect to such an important proposition.

The clause, as amended, agreed to.

On the question that the Amendment to Lords' Amendment to Clause 33 be agreed to,

The Committee divided:—Ayes 55; Noes 35: Majority 20.

List of the Ayes.

Abdy, T. N.
Adair, R. A. S.
Armstrong, Sir A.
Barnard, E. G.
Bellew, R. M.
Blackall, S. W.
Boyle, hon. Col.
Brotherton, J.
Brown, W.
Campbell, hon. W. F.
Dundas, Adm.
Dunne, F. P.
Elliot, hon. J. E.
Ferguson, Sir R. A.
Forster, M.
Fox, W. J.
French, F.
Gibson, rt. hon. T. M.
Grey, rt. hon. Sir G.
Hamilton, G. A.
Henry, A.
Heywood, J.
Hobhouse, T. B.
Hood, Sir A.
Hume, J.
Jervis, Sir J.
Mackinnon, W. A.
Maule, rt. hon. F.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Morpeth, Visct.
Morrison, Sir W.
O'Connell, M. J.
Paget, Lord A.
Parker, J.
Perfect, R.
Peto, S. M.
Pinney, W.
Price, Sir R.
Robinson, G. R.
Russell, Lord J.
Russell, F. C. H.
Sandars, J.
Seymer, H. K.
Sheil, rt. hon. R. L.
Smith, J. B.
Somerville, rt. hon. Sir W.
Thornely, T.
Townshend, Capt.
Vane, Lord H.
Villiers, hon. C.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.

TELLERS.

Hill, Lord M.
Ebrington, Visct.

List of the Noes.

Anstey, T. C.
Archdall, Capt.
Bentinck, Lord G.
Bright, J.
Brocklehurst, J.
Carew, W. H. P.
Christy, S.
Clay, J.
Clay, Sir W.
Cubitt, W.
Drummond, H.
Duckworth, Sir J. T. B.
Duncuft, J.
Ewart, W.
Fitzroy, hon. H.
Heald, J.
Henley, J. W.
Herries, rt. hon. J. C.
Hildyard, R. C.
Howard, P. H.
Jolliffe, Sir W. G. H.
Marshall, J. G.
Muntz, G. F.
Napier, J.
Newdegate, C. N.
Rice, E. R.
Scholefield, W.
Sidney, Ald.
Stuart, Lord D.
Stuart, H.
Thompson, Col.
Urquhart, D.
Vyse, R. H. R. H.
Waddington, H. S.
Williams, J.

TELLERS.

Spooner, R.
Pechell, Capt.

On the Smoke Clause,

Mr. BRIGHT said he had opposed every Smoke Bill that had been introduced to the House, and he thought this clause contained all the absurdities of all the former measures put together. It would only tend to turn into ridicule the legislation of that House, as it was quite impossible to work out any Smoke Bill. For example, the kind of smoke to be put down was "opaque smoke," and it was to be considered opaque when it was not transparent. But, did not everybody see that the opacity of smoke coming out of a chimney would, by this description of it, depend very much upon whether there was a black or a white cloud behind it? By the clause, opaque smoke was only to be permitted during a certain time, which was allowed for putting on fires; but this would be found utterly unworkable. Sometimes the smoke of ten or twelve smithies adjoining each other was sent out by one common chimney. The fires of these smithies were renewed several times an hour; and how, then, was it possible to enforce the Act in such cases? In point of fact, the clause was ridiculous, and it would be impossible to carry it out. Parties producing smoke were to provide a "well-approved plan" for consuming it; but who was to decide what the well-approved plan was? In Lancashire, no three men were ever found to agree upon any effectual plan for preventing smoke.

The ATTORNEY GENERAL said, the question was certainly beset with difficulties, and he must admit that the clause contained inconsistencies which it would not be easy to reconcile. If his noble Friend took his advice, he would not press the clause upon the House.

MR. MACKINNON supported the clause. If there were in it any inconsistencies which would prevent its working well, let those be amended; but let them not, on that account, throw out the clause. It should be recollected that a Committee of that House, which contained several manufacturers, had unanimously decided in favour of a measure for the prevention of smoke. If the clause were not operative, as had been alleged, then it would do no harm; and it would have a salutary effect at least in inducing owners of factories to abate the nuisance, and require their stokers to be more careful.

MR. HENRY DRUMMOND thought the hon. Gentleman ought to weigh well the meaning of the word "nuisance;" for the question might be raised whether black smoke was prejudicial to health. The only justification for such a clause as this was, that smoke had an effect on the public health. That House, in legislating, ought always to be very chary of entering on scientific subjects. They ought not to forget the lesson their experience had read to them in the matter of the excise on malt. The more he had seen of this Bill the more he was satisfied that there was a great deal of quackery and mock philosophy in such questions, and that this clause was manufactured by some quack. It ought not too hastily to be presumed that what were called nuisances were necessarily injurious to health. All persons connected with butchers and knackers were known to be more free from disease than any other trade whatever; and it was a fact which was also well known that every trade had a class of diseases peculiar to itself.

MR. P. HOWARD did not think it possible to apply the clause to any manufacturing town.

VISCOUNT MORPETH was aware his hon. Friend (Mr. P. Howard) represented the highest chimney in England. When he had been told on authority he could not fail to respect, that this clause would not work, he hardly should think it worth while to incur the odium which, rightly or wrongly, seemed to attach to its adoption; more especially as it was not intended to put any thing into the Bill which should unnecessarily raise objections, and so frustrate the expectation of carrying the measure into effective operation. Nothing, he hoped, which might fall from him would tend to create the impression that he was not alive to the smoke nuisance. He held himself perfectly free, and perhaps bound, to be a party to the introduction or furtherance of a Bill having the abatement of that nuisance for its specific object.

The Lords' Amendment disagreed to.

On Clause 119, providing that the local boards should not execute certain contracts without notices, or without depositing plans, &c., with the General Board, and that the local boards should not proceed without the authority of the General Board, in case of the latter desiring further information,

The Committee divided on the question that the House agree with the Lords' Amendments in the clause:—Ayes 47; Noes 52: Majority 5.

List of the AYES.

Abdy, T. N.
Armstrong, Sir A.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Blackall, S. W.
Bowles, Adm.
Brotherton, J.
Buller, C.
Cowper, hon. W. F.
Craig, W. G.
Dundas, Adm.
Ebrington, Visct.
Forster, M.
Fox, R. M.
Glyn, G. C.
Goddard, A. L.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Hayter, W. G.
Hobhouse, rt.hon. Sir J.
Jervis, Sir J.
Labouchere, rt. hon. H.
Lewis, G. C.
Mackinnon, W. A.
Matheson, A.
Maule, rt. hon. F.
Monsell, W.
Morpeth, Visct.
O'Connell, M. J.
Ogle, S. C. H.
Paget, Lord C.
Parker, J.
Patten, J. W.
Peto, S. M.
Power, Dr.
Price, Sir R.
Rich, H.
Sheil, rt. hon. R. L.
Somerville, rt.hn. Sir W.
Thompson, Col.
Townshend, Capt.
Ward, H. G.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.

Hill, Lord M.
Tufnell, H.

List of the NOES.

Anderson, A.
Anstey, T. C.
Arkwright, G.
Benbow, J.
Bentinck, Lord G.
Bright, J.
Broadley, H.
Brocklehurst, J.
Bunbury, E. H.
Christy, S.
Clay, J.
Clay, Sir W.
Cobden, R.
Conolly, Col.
Drummond, H.
Duncuft, J.
Evans, Sir De L.
Ewart, W.
Fagan, W.
FitzGerald, W. R. S.
Fitzroy, hon. H.
Fox, W. J.
Gibson, rt. hon. T. M.
Hardcastle, J. A.
Hastie, A.
Headlam, T. E.
Heald, J.
Henley, J. W.

Heywood, J.
Hood, Sir A.
Hume, J.
Kershaw, J.
Lowther, hon. Col.
Marshall, J. G.
Masterman, J.
Matheson, Col.
Maunsell, T. P.
Mitchell, T. A.
Moffatt, G.
Mowatt, F.
Napier, J.
Newdegate, C. N.
Palmer, R.
Perfect, R.
Rice, E. R.
Seymour, H. K.
Sidney, Ald.
Tancred, H. W.
Thornely, T.
Urquhart, D.
Williams, J.
Willoughby, Sir H.

TELLERS.
Muntz, G. F.
Spooner, R.

Several Amendments agreed to; several disagreed to.

House resumed. Report agreed to. Committee appointed to draw up reasons for disagreeing to their Lordships' Amendments.

SUPPLY—TAXATION.

On the question that the Speaker do leave the chair for the House to resolve itself into a Committee of Supply,

Mr. EWART said, that nothing, at this late period of the Session, and at this hour of the evening, would have induced him to introduce his proposal for a "Revision of our present System of Taxation," except his deep conviction that the Parliament ought not to part without some consideration of that important subject. He had sought for opportunities of bringing it forward sooner, and he had been disappointed. He desired, *in limine,* to guard himself against the charge of desiring to propose any sweeping theoretical change in the system of our customs duties. So long as we had such enormous charges to meet, we must derive a large proportion of our taxes from this source. But the question was, whether they might not be reduced with immediate benefit to the consumers, and with ultimate benefit to the revenue. Our whole system of taxation, however, required to be reviewed. It was still "a mighty maze, and all without a plan;" every portion of it should be reduced into harmony and order. Eighteen years had elapsed since Mr. Poulett Thompson proposed its revision. He suggested a Select Committee on the subject. But to him (Mr. Ewart) it appeared advisable that the Government should not devolve on a Committee, but should itself assume, the responsibility of so vast an inquiry. They had the means of investigation; they had the instruments of action; they should inquire, and they should act. It had been hoped that something in the spirit of the reforms so successfully made in our taxation by Sir Robert Peel would have been accomplished in the present Session. But what had they done? They had been constantly engaged, it was true. They had patched up the sugar duties, and they had abolished the duty on copper ore; but they had spent their time in a sort of "strenuous idleness;" of much motion and of little progress. And yet, if ever there were a time when consideration was due to the conduct, as well as the condition, of the people, it was now. Amid the convulsions which had shaken Europe, amid "this rocking of the battlements," England almost alone remained calm and unshaken. Was not some requital due to the sound common sense and wise sobriety of the people? Two modes of requiting them were obvious: by extending their commerce, and increasing their employment. The state of the Continent of Europe had closed many sources of our Continental trade. Now, therefore, if ever, was the time when we should open our trade with China and America. It was well known that our exports to the European Continent amounted generally to about 26,000,000*l.* sterling. They had decreased, on the 5th of May this year, by 2,500,000*l.* It was probable that in this month (August) the diminution was at least 4,000,000*l.* sterling. But he (Mr. Ewart) confessed that he was principally urged to make this proposition by a sense of our duty to the poor. No political economist denied (he apprehended) these propositions: the labouring part of the population pays the greater proportion of our customs duties; the relative proportion of duty paid by them on the cost price of the article is much greater than that paid by the rich; as the cost price goes on decreasing, the disproportionate pressure on the poor goes on increasing also (this remark had been made by Mr. Huskisson); lastly, the poor were the principal, often the only, sufferers by adulteration of the articles consumed. But they suffered prospectively as well as actually; because our present system of taxation, by limiting the extent of our trade, limits the extent of their employment. The first change which should be effected in our customs duties was obviously a reduction of the duty on tea. In the consumption of all such articles a great social revolution had been silently creeping on. They were once a luxury of the rich; they had now become a necessity of the poor. Half a century ago the tea duty must have fallen principally on the luxurious—it was now principally paid by the working classes. In 1785, only 768,520 lbs. of tea were consumed; we now consumed between forty and fifty millions yearly. The same change had taken place in other articles. The question was, therefore, whether by lowering the duty we could not extend the consumption still further—whether we could not make it descend, as it were, into a lower *stratum* of society. That we could do so was probable, because in our colonies, where the duty is so much lower, the consumption is so much greater than it is in the mother country. In some colonies, it was even stated to be ten times as great for each individual. Again, let us consider the question in reference to our trade and manufactures. The duty on tea has been truly described as a duty on our manufactures. This part of the subject was abundantly elucidated before the Committee on the China trade last year. Recent facts have additionally confirmed it. In the first six months of this year, the export of our plain calicoes to China had fallen from about 46,000,000 yards, which they were in 1844, to about 23,000,000 in 1848. The export of our printed calicoes had fallen in the same period from about 2,700,000 yards, to 800,000. Consequently our shipments of tea from China had declined. They had declined by nearly 4,000,000 lbs. since April, as compared with the same period last year. The shipments of the United States, on the contrary, had increased in the same period, by about 1,250,000 lbs. And at this time he was assured that our manufactures had almost ceased to be exported. Yet what could be more promising, even to the eye of sober reason, than the futurity of our China trade? The great northern port of Shanghai had been opened to us. Shanghai was the Liverpool of China. It was the great centre of water-communication; and, unlocking to us the north of China, might largely extend the demand for our woollens. There was another reason for the reduction of the tea duty. If, at any time hereafter, the consumption of tea increased on the Continent of Europe, it was most desirable that this country should become the great depôt of tea, as of every other article. But he (Mr. Ewart) reverted to the employment of the people as his main object; and he would conclude his remarks on this subject with the words of Mr. Macculloch: "Nothing can justify the magnitude of this simple duty (the tea duty); beyond all question the most objectionable on our tariff." At some future, he hoped no distant, period, the tobacco duty would demand the consideration of the Government. It was true that tobacco was a good subject of duty; but at its present high rate, the duty was not only (like that on tea) oppressive to the poor; it was most injurious to their morality. On the one hand tobacco was largely smuggled; on the other, it was largely adulterated. The duty to the poorest consumer (in relation to the cost price) was almost in the proportion of 1,000 per cent. Yet it was stated before the Committee on Tobacco, in the year 1844, that nine-tenths of the consumers were among the labouring poor. Could the temptation to smuggling be, in such a case, withstood? Could the Custom House itself withstand it? He found that Mr. Dean (late Chairman of the Board of Customs) made this avowal: "After what has been discovered, it is clear that no increase of pay to our officers can guarantee their morality." Since that declaration was made, the facilities of smuggling had been increasing. The augmentation of our Continental and American steamers — of our coasting vessels— encouraged it. On the other hand, the progress of chemical science facilitated adulteration. Under those circumstances, it was no wonder that in one year 800 persons were committed for smuggling tobacco; (how many more cases were compromised or undiscovered!) it was no wonder that children were taught smuggling in a regular school of contrabandists; and that adulteration was an established business of our tobacconists. But in a commercial point of view, in reference to our trade with the United States; in a pacific point of view, as binding together two great nations, the tobacco duty must come under future, and no distant, consideration. This country had, thirty years since, been the great European *entrepôt* of tobacco; he hoped it was destined to become so hereafter. In the meantime, as a kind of modified reform, he recommended the Chancellor of the Exchequer to abolish the excise survey on tobacco (as had been done in the case of tea and wine); especially as tobacco had now been proved, in its natural state, to contain sugar, the presence of which, on analysis, had been hitherto deemed a test of adulteration. He would now willingly have entered on the question of the wine duty. Material as he deemed its reduction to the interests of commerce and the concord of two great nations, he acknowledged that, like tobacco, it was a subject of prospective, though not remote, consideration; and the present agitated state of France diverted attention to questions of more indispensable necessity. But he still maintained a strong opinion that it was a link in the series of required commercial reforms. But turning from our Customs Duties to our Customs Board, he asked whether it might not be possible to effect a saving in that department? A vast number of duties had been reduced, but no salaries. In the Excise Department, on the other hand, he remembered that a saving had been effected, by reduced salaries, to the extent of 54,000*l.* a year. If, indeed, a sufficient reduction could hereafter be effected in the tobacco duty, there appeared to be no reason why the coast-guard might not be dispensed with, and the country thereby spared the cost of 300,000*l.* or 400,000*l.* a year. It would be remembered that a Commission was appointed a few years since on the subject of frauds in the Customs Department. They had recommended certain reforms in detail, but no comprehensive measures. It appeared from a return which he had procured, that these suggestions had been to a great extent adopted. But he feared it was a case in which the old Lucretian doctrine *è nihilo nil fit* would apply; and the deeds of the Board had kept pace with the projects of the Commissioners. He turned now again to the Excise Department, in which many reforms had been accomplished most beneficial to the people. The system of surveys and permits had been almost abolished. Duties had been repealed on such articles as sweet wines, starch, and vinegar. More recently Sir Robert Peel had wisely repealed the auction duty, (a reform founded on the soundest principles,) and lastly the abolition of the glass duty had been a boon to commerce, society, and art. In 1848, in his work on Taxation, Mr. Macculloch had made the following prediction, which events had fully justified:—"Were the duty on glass abolished, the fair presumption is that it would be used to an incomparably greater extent in mirrors, for prints, (thus encouraging the arts,) and in the windows of shops and houses." No one could walk through the new streets of any suburb of London, of any town, almost any village, without perceiving that this prediction had been not only accomplished but surpassed. Glass was moulding itself into a thousand new forms. Art, as well as trade, was deriving benefits from the change, of vast and unforeseen importance. Would not our success in this amendment encourage us to proceed? The soap duty was a subject of increasing reprobation. We had just passed a Sanatory Reform Bill. Could we add a more obvious or indispensable corollary to such a measure than a repeal of the duty on soap? He believed that the soap trade (including the manufacture of alkali) employed 100,000 workmen. The present duty discouraged enterprise and science. As formerly in the glass trade, as now in the brick manufacture, an article spoilt in making a new experiment in the soap trade still paid the soap duty. An eminent manufacturer, now retired from an occupation which he could no longer pursue with satisfaction, had made the following statement:—

> "No improvement has been introduced into the soap manufacture during the forty years we have been in the trade." "It is a purely chemical operation. But the interference of the Excise precludes that class of experiments which alone can lead to new processes. In 14 years 449 traders have withdrawn from the trade. . . . . . We attribute this constant change to the temptation afforded by a high duty to a class of men who evade it, and who steadily destroy the respectable maker."

He believed it to be a fact, that the liabilities of the soap manufacturers who had failed in Liverpool alone, in 1846, amounted to 700,000*l.* And those with whom he had corresponded, attributed such failures to the effects of the high duty, which tempted speculation and dishonesty to disturb the regular application of capital and the steady course of trade. But if we could not repeal this duty, we might follow the advice of Mr. Macculloch and the Commissioners of Excise Inquiry, and reduce it (without involving a serious loss of revenue) to the rate of 1*d.* in the pound. The paper duty ought also to be a subject of early fiscal reform. It combined three bad qualities. It was a tax on an implement; on an implement of business; and on an implement of instruction. The processes it involved were more worthy of the perverse ingenuity of China than of the direct simplicity of England. Need he advert—he had before adverted—to such burdensome complications as labelling, writing, numbering, dating, weighing, recording, and stamping. Then, if the paper was to be exported, the labels were to be cancelled. But the consequence of the duty (notwithstanding the concession of a drawback) was, that we had scarcely any export. There was no complaint, he believed, against the Excise Board as a body, but against the system. He did not believe that a man existed more inclined to give facilities to trade, or more capable of appreciating and comprehending their value, than the Chairman of the Excise Department, Mr. Wood. But trade, under the excise system, was often not submitted to the discretion of a department, but to the mercy of an individual. The trader might have confidence in the equity of the Board, but how could he trust to the equity of the officer? He (Mr. Ewart) had already argued for the repeal of the paper duty, on account of its oppressiveness on the literature and language of the country. By the enlargement of our commerce, our language must gradually become, to a great extent, the language of the world. He considered therefore the paper duty and another (to which he should afterward allude)—the duty on advertisements—to be most hostile to literature and trade; and he trusted we might live to see them both abolished. But, if neither the soap duty nor the paper duty could be repealed, another obnoxious duty might be sacrificed—he meant the brick duty. Mr. Pitt who proposed, Sir Henry Parnell who investigated it, both coincided in deeming it an unjust duty. It was scarcely felt where there happened to be a stratum of stone. It stinted the building of cottages for the poor. When first imposed it only amounted to 2*s*. 6*d*. on the thousand bricks; it amounted now to 6*s*. In the United States there was no such duty. He had learnt that the cost of bricks there was 12*s*. 6*d*. per thousand; on our great brick grounds (for instance at Cowley) the cost was about 24*s*. Even in France, bricks used in the country for cottages were free from duty. He had shown last year that the material of bricks might be made an instrument of art —as we saw in our great buildings, at Hampton Court, in our ancient mansions, and elsewhere. He therefore reiterated against this duty the charge of the Commissioners of Excise Inquiry in 1836, "that it was one of the most impolitic of duties"—the admission of Mr. Pitt, and the conclusion of Mr. Macculloch, that it was "partial and unequal in its pressure." He now turned from the Customs and Excise to duties of a less general character. Among them the first duty which might be abolished was the duty on advertisements. This was a tax on a vehicle of commerce. In this respect it resembled the auction duty. The proportion of advertisements published in the United States (where no such duty existed) was enormous as compared with this country. Mr. Poulett Thompson (the late Lord Sydenham) had many years ago represented it to be more than ten to one. Such a duty was disgraceful to a commercial nation. It was against the interests of literature. Beneath its influence the humblest applicant for the meanest situation suffered equally with the most extensive advertiser. Its amount, combining Great Britain and Ireland, was only about 162,000*l*. It would be an act of policy and justice to repeal it altogether. There were, however, various duties to which—if the principle of repeal or reduction could not be applied—we might at least apply the principles of commutation or equalisation. Might not the window duty be commuted? Under the present system of sanatory reform it was almost impossible that the window duty could continue to exist. It had always appeared to him that a house duty (not interfering with trade) or some other direct and impartial tax, would be better than a window duty. Might not the impolitic and almost immoral duty on insurances be commuted? Mr. Macculloch recommended its reduction to 1*s*. per cent, and affirmed that the property insured would be nearly doubled in amount. In applying the principle of equalisation, the most obvious subject of it was the Stamp Duties. Their inequality, especially in reference to the poorer classes, had often been complained of. In a speech, which he thought never had been answered, Mr. Cobbett had formerly called the attention of Parliament to this subject. It was elucidated by Mr. Baxter and other experienced legal authorities in their evidence before the Committee of the House of Lords two years ago, on "The Burthens on Land," and by Mr. Macculloch in his various works on Taxation and Revenue. To these authorities he begged to refer, as proving the grievance. It was especially on the transfer of land in case of poor capitalists—a transfer which it was now deemed most politic to promote—that the inequality was experienced. For instance, in the case of a 20*l*. purchase of freehold property, the stamp duty amounts to 2*l*. In the case of 200,000*l*. or 300,000*l*. purchase it is only 1*l*. 15*s*. So, likewise, if in conveyances or assignments, covenants for the production of title-deeds are required, the stamp duty is the same, whether the purchase be for 20*l*. or for 200,000*l*. And in the case of mortgages he believed that the stamp duty amounts to 2*s*. per cent for 50*l*., but only to 6*d*. for 100,000*l*.: the proportions being eighty times as great on 50*l*. as on 100,000*l*. In short, as Mr. Macculloch suggested, two reforms were required in the Stamp Duties: "a simplification of the acts, and a just adaptation of the *ad valorem* principle, instead of an inversion of it." Again, the application of the Stamp Duties to settlements was most unfair. It appeared that the only settlements liable to stamp duty were "definite and certain sums of money," and "definite and certain amounts of the Government funds, or Bank or East India or South Sea stock." Under these terms many kinds of personal property, and all landed property, were exempted from the stamp duty on settlements. Yet, as had been most justly observed by the eminent economist whom he had already quoted, "the settlement of landed property is one of the fairest subjects of taxation: the object of a settlement being to withdraw land from commerce." The operation of the stamp duty on probates and letters of administration also was unfair. Great properties were in this case also favoured, to the detriment of poorer parties. He would avoid detail on this subject; since it was abundantly illustrated in the works of Mr. Macculloch and other political economists. Here, however, our attention was naturally called to the exemption of landed property from the Probate and Legacy Duties; a subject which had often engaged the attention of Parliament, and often would again, until either directly or indirectly that inequality should be removed. In reference to the whole of this subject, he thought the recommendation was a sound one, that we should abolish the present probate and administration duties, and replace them by a new duty equally affecting all legacies or beneficial successions, whatever their nature or amount. Lastly, he thought the Government was bound to inquire at least, and satisfy the public, whether any difference could be made between the taxation of fixed property and income. The next thing to the removal of an evil was to show that it could not be removed. What then was the brief object of his (Mr. Ewart's) Motion? That the Government should inquire. It was his firm opinion that they ought to have reviewed the whole subject last year. But now the necessity for their doing so was still more obvious and urgent. The Chancellor of the Exchequer might answer, "Your scheme is only a comprehensive theory; show me a plain and practicable plan." He (Mr. Ewart) then proposed this plan; one, in his opinion, not beyond the powers of a resolute and energetic Chancellor of the Exchequer. Let him reduce the tea duty; repeal the soap duty, the paper duty, or the brick duty. Let him repeal the advertisement duty. Let him replace these by direct taxation. Let him commute the window duty: let him rearrange and extend to the now-exempted parties the probate and legacy duties; and let him reform and render just the stamp duties. He (Mr. Ewart) thought that the accomplishment of some such scheme would do immense good. He thought that it was worth the while of those who owned the property of the country to consent to the proposal. The property of the country ought to come in aid of the commerce of the country. Even a small addition to direct taxation would enable us to accomplish considerable good. He had endeavoured to show last year that an approximation to a more direct system of taxation would be attended by greater cheapness of collection. This must be the case, he repeated, as society advanced. Capital would be more and more invested in public undertakings and in loans: and in almost all those cases the tax might be collected *in transitu*, without the intervention of any system of collection whatsoever. On the other hand, the liberation of commerce would reproduce capital and call labour into life and action. Our present position had been foreseen by statesmen of the most comprehensive views on commercial and financial questions. These were the words of Mr. Huskisson; he (Mr. Ewart) had heard them with his own ears in the year 1830; the memorable year in which Mr. Huskisson died:—

> "The profits of stock and the wages of labour pay more than their just share of taxation. If we are in danger of falling into this state of things, may we not guard ourselves against it by some change in the principle and distribution of our taxation? I know I am treading upon tender ground. It is impossible to touch upon it without coming into collision with the interests of many, and those, perhaps, the most powerful in this

House and in the country. But I feel myself bound to state a strong doubt whether we shall afford adequate relief without removing a large amount of those taxes which press directly on income arising from capital engaged in industry, and upon the income of labour to which that capital gives employment; transferring the burden upon all that class of income which arises from capital not so employed."

Subsequently the late Lord Sydenham assented to this doctrine as one "which would be beneficial in the highest degree to the industry and improvement of the country;" and it was supported by the authorities of Sir Henry Parnell and Lord Althorp. In conclusion, he (Mr. Ewart) asked for no sweeping change. What he demanded was, a reconsideration of the subject, for the general good of all. So far, amid the perturbation and chaos of Europe, our situation had been secure. But, while we maintained order as indispensable to the security and improvement of society, let us promote improvement as the best justification of the maintenance of order. Let us do justice to our working classes. While other nations are trying visionary and Utopian schemes of labour; spinning their cobwebs in the sunshine (or rather in the storm) of their newly risen constitutions, let us, at least, set them a different example. Let us pursue the more old-fashioned, but sounder, system of extending our commerce, developing the powers of labour, and doing justice to a suffering and deserving people. The hon. Gentleman then moved—

"That it is expedient that there be a revision of our present system of taxation; especially with a view to extend the commerce of the country, and to increase the employment and comforts of the people."

The CHANCELLOR OF THE EXCHEQUER was aware that it was his duty to do that which his hon. Friend had called upon him to do, namely, to consider the taxation of the country. In a great deal of what his hon. Friend had said, he expressed his concurrence; but he was not prepared to deal so largely as to reduce duties amounting to 9,000,000*l.*, and to impose that sum upon the realised property of the country. [Mr. EWART: I did not propose that.] He must have proposed a much larger increase of taxation than he had done if he had intended to repeal the duties mentioned by the hon. Member. And the reception which he had met with, in proposing an increase of taxation, had certainly not been such as to induce him very lightly to make a similar proposition to that recommended by his hon. Friend. To a large and considerable extent the principle recommended by his hon. Friend had been of late years carried into effect. But at this time of the Session, and at that hour of the night, he should not be consulting the wishes or the convenience of the House if he went into a long discussion of the points raised by his hon. Friend. He hoped the hon. Member would permit the House to go into Committee.

MR. HUME considered it unfortunate that his hon. Friend had not had an opportunity of introducing the subject at an earlier period of the evening, before the attention of the House had been exhausted. The stamp duties were in no country so unjust and so oppressive as in this, nor did they anywhere else bear so heavily upon the poor man, or so lightly on the rich. Under our excise laws also, all articles paid double or treble what they ought to pay, not only in the direct tax, but in the interference with labour and industry at every stage. He believed that if there were no excise duty on soap, that article would be manufactured better, and in greater quantities, and that it would become an article of export, instead of being, as it was until lately, an article of import. The Chancellor of the Exchequer had not the money to spare to carry out the views of his hon. Friend. Why, he never would have the money to spare, because in proportion as he increased the income, the expenditure was increased. The whole of the income-tax might have been avoided; but as soon as they added 5,000,000*l.* to the taxation, the expenditure had increased in a direct proportion. The assessed taxes ought to be removed, interfering, as they did, with the labour and industry of the country. The tax upon carriages, to take one instance, was highly injudicious. Then there was the probate duty; why should one class of property be exempt, while another paid? Why, the country gentlemen, after they had passed the tax on personal property, would not pass the further vote which would have extended it to real property. It was to be hoped that Parliament would occupy itself with this whole subject next Session; but there was no hope from the Government, unless Parliament interfered.

Amendment negatived.

Committee of Supply postponed, on the ground that the House was not prepared to discuss the Navy Estimates.

House adjourned at a quarter to One o'clock.

HOUSE OF LORDS,

Tuesday, August 8, 1848.

Minutes.] *Took the Oaths.*—The Lord Vernon.

Public Bills.—1ª Unlawful Oaths Acts (Ireland) (Continuance and Amendment); Turnpike Roads (Ireland); Militia Ballots Suspension.

2ª Trustees Relief.

Reported.—Windsor Castle and Town Approaches Improvements; Paymaster's Offices Consolidation; Land Tax Commissioners' Names; Rum Duties; Naval Medical Supplemental Fund Society; Juvenile Offenders (Ireland).

3ª and passed:—Edinburgh Police (Amendment and Consolidation of Acts and Police and Sanitary Improvement; Salmon Breed Preservation; Public Works (Ireland) (No. 2); Corn Markets (Ireland).

INTERFERENCE IN THE AFFAIRS OF SICILY.

Lord STANLEY, in rising to put the questions of which he had given notice, with respect to our relations with the King of the Two Sicilies, said, that perhaps it would be more consistent with the regularity of their Lordships' proceedings, as well as with their convenience, that he should conclude the few observations with which he had to trouble their Lordships, by making a specific Motion; and whilst he hoped to receive from Her Majesty's Ministers a direct answer to the questions he should put, it was not his intention to press his Motion for the production of correspondence, if there were any objection to that Motion on the part of Her Majesty's Government. When a question on this subject was put a few nights ago by a noble and learned Friend of his (Lord Brougham), who had left the House for the remainder of the Session, it was put without any previous notice being given to the noble Marquess; and the answer which was given by the noble Marquess was consequently given on the spur of the moment, and without any opportunity of consulting with his Colleagues on that occasion; but he thought their Lordships would be of opinion that the state in which the King of the Two Sicilies was placed, and the possible effect which the present condition of affairs might have on the maintenance of the peace of Europe, were of sufficient importance to warrant him in asking from Government—he would not say a more accurate, but—a more detailed exposition of the course which Her Majesty's Government had felt it their duty to pursue, and the policy they proposed to adopt. He need not remind their Lordships, that upon the whole of Italy, but more especially upon the kingdom of Naples and Sicily, the effect of the late successful revolution in France produced great and powerful results; and in consequence of the success of that revolution in France, there was a rising in Sicily against the authority of the King of Naples, which, for a time at least, was completely successful, and which resulted in the expulsion of the royal troops and the possession of the strong places, especially Palermo, by the insurgent forces. He hoped he need not on the present occasion, or on any occasion in the assembly which he had the honour of addressing, urge on their Lordships the importance of adhering to that maxim of international law which laid down not only as the policy but as the duty of every foreign State, namely, that in the event of a civil contest going on in another independent State—whether that contest were to exchange the existing dynasty throughout the whole of such State, or for the purpose of separating from the superior authority of the mother country some dependency—it was the paramount duty of all foreign countries, under such circumstances, to maintain a strict and most absolute neutrality, and to abstain from interference in such a struggle of a purely internal and domestic character. The Government of this country had upon almost every occasion recognised and acted upon that principle. Upon that principle we had uniformly abstained from any interference, and had sought rather to depress and discourage the manifestation of public feeling with regard to the sanguinary contests which had taken place between Russia and Poland. Upon this principle we had abstained from any intervention in the affairs of Austria, and the revolted Lombard provinces of that empire. On this same principle we had condemned the intervention of the Prussian Government in the affairs of Schleswig and Holstein. On this principle we took on ourselves to remonstrate, unitedly, with Charles Albert, against his invasion of the Lombard provinces; and upon this principle their Lordships would not forget that all parties united in expressing their cordial approbation of the answer which was given by the late head of the Provisional Government of France to that deputation of misguided men who sought to invite the sympathies of Fraance to that revolt which even at that time they were meditating in Ireland against the supreme authority in this country. And the name of Ireland reminded him, and must remind their Lordships, that, if there was any one country in the world with regard to which it was not only a duty, but a matter of essential interest, to discourage the doctrine that any foreign State had a right to interfere in an internal struggle between a dependency and a governing country—to discourage the doctrine of the sympathy of professed insurrectionists and the interference of any consideration as to the merits or demerits of the dominant Power, or the just or unjust provocation which might have been given to the dependency—if there were any country in the world on whom it was incumbent to maintain in such matters the strict doctrine of non-interference with foreign nations — that country was England—England, with Ireland at its doors, in which there was a large portion of the population who he regretted to say would at all times be too happy to obtain foreign aid for shaking off that which they had been erroneously taught to consider as the baneful domination of the mother country. At the time of the insurrection in Sicily it did so happen that our Minister at Naples was absent from his post. For the last ten or twelve years that gentleman had been enjoying in that luxurious capital a residence of extreme comfort, and as agreeable a sinecure as it was possible for any Minister to have an opportunity of conferring even on his nearest and most valued relative; and he (Lord Stanley) thought it was unfortunate that at this period, when the management of affairs at Naples required peculiar delicacy and judgment, it was found convenient and suitable to the interests of this country that the accredited Minister, who ought to be, he presumed, high in the confidence of the Secretary of State for Foreign Affairs, should be absent from his post; and that that post, at the whole time when it was of importance, and at a time when it was of the greatest importance, should be occupied by an able but a young man, very inexperienced in diplomatic affairs, and not of that standing and station that would justify his managing the affairs in that country at so critical a juncture. It did so happen that, at that period of the Sicilian outbreak, the noble Earl whom he now saw opposite (the Earl of Minto), and who was at that time engaged in the roving commission with which he was entrusted by his Colleagues as Minister General to every State in the south of Europe, happened, in the discharge of the duties devolving on him, to be at Rome, and that, in consequence of his being at Rome, on the recommendation of the *Chargé des Affaires* at Naples, the noble Earl was invited to proceed to Naples, for the purpose of offering his assistance and advice. He (Lord Stanley) had distinctly stated that he believed the noble Earl was invited, and he stated it for this reason—because he was anxious to say that he altogether disclaimed any desire of passing any imputation or any blame on the noble Earl for his interference on that occasion—because he believed that that interference was not volunteered on his part, but that he was invited by the King of Naples, and at his request proceeded there. What passed between the noble Earl and the King of Naples, or what passed between the noble Earl and the revolted subjects of the King of Naples, between whom and their Sovereign the noble Earl undertook to mediate, it was not for him (Lord Stanley) to say, for the best of all reasons, because he was wholly ignorant. Whatever advice the noble Earl might have given to the one party or the other, he was afraid he would have to confess that that advice was received with as little effect in the case of Naples and Sicily as it had been tendered on other occasions; that although it was listened to with all the courtesy and respect due to himself and the situation he filled, yet that, for all practicable purposes, it was wholly disregarded by all parties. The result certainly was, that the mediation of the noble Earl was unsuccessful, the Neapolitan troops were driven out of the country; and that at all events temporary success was obtained by the Sicilians. Shortly after this period the insurrection in Sicily was followed up by an insurrection in Naples, and after some concessions made to the revolutionists by the King of Naples, there arose, in some way or other, a reaction in the country, and after a considerable effusion of blood the King obtained a partial success over the insurgents, the result of which had been that an agreement was come to, and terms entered into, between the Sovereign and what was popularly called the liberal party in the kingdom of Naples. But this disturbance in the kingdom of Naples put an end to every attempt for the reduction of the revolted people in Sicily. A Provisional Government was formed; and the question to which he wished to call the attention of the noble Lord opposite, and of Her Majesty's Government, bore on this, the interference or the non-interference of this country with regard to the form of government, or the individual to be placed at the head of the Government, which should be decided on by the people of Sicily. He apprehended that the period of the recognition of the independence of any revolted State must at all times be left to the discretion of foreign countries. As to friendly Powers, it might be laid down as a maxim that such recognition of a revolted portion of territory was on no account to take place so long as the Power itself intimated the intention of persevering in its design of reducing its subjects, and had practically at its command the means of effectually continuing the struggle. The recognition of any revolted State under such circumstances was an act of hostility towards the friendly country. It was stated that during the period which had elapsed after the royal forces had been expelled from Palermo, and whilst the discussion had been going on in the self-constituted Sicilian Assembly, there had been frequent communications between Her Majesty's Minister at Naples, acting, he presumed, on the part of the Government of this country, and the parties who, having so far carried on a successful revolt, were engaged in framing their new constitution, and adopting their new form of government. Of the precise effect and nature of those various communications he was not in a condition to speak; but if he might believe the information conveyed to him, and conveyed to him from sources as likely as any others to have a correct knowledge, it was stated that at a very recent period, and immediately before the final decision of the Assembly at Sicily to offer the Crown of the country to the son of the King of Sardinia, a communication was made on the part of the British Government, and that from the Embassy at Naples the *Porcupine* steamer was depatched, having on board of her a gentleman attached to the British Embassy at Naples, with the distinct intention of communicating with the heads of the revolted party there, and of intimating to them distinctly, that it was the pleasure of England that they should elect not a republican but a monarchical form of government; and that, as the head of that Government, they should select the son of the King of Sardinia. It was stated that the communication was effected through the medium of an *attaché* to the Embassy at Naples of the name of Fagan. That name, so far as he knew, was new in the diplomatic service of this country; but he supposed he was not erring much if, from the name, he inferred that the gentleman was a native of the sister country, and that he belonged to what was called the extreme Liberal party. That opinion had certainly some confirmation in the fact that, upon an examination of a very useful little work, *Dodd's Parliamentary Companion*, for the year 1847, he saw that a gentleman of the name of Fagan had been returned for the first time as Member for the city of Cork; and that this gentleman, in politics, was an avowed repealer and free-trader. He might be in error. [The Earl of MINTO: Very likely.] He admitted that he might be in error; but in his own mind he did trace some connexion between the election of that hon. Gentleman, as Member for the city of Cork, and the appointment of Mr. Fagan upon a diplomatic mission to Sicily. The mission, however, upon which that gentleman proceeded, was not affected by the question whether he belonged to a particular party. It was stated that Mr. Fagan distinctly communicated to the Assembly who were deliberating upon the affairs of Sicily, that it was the pleasure of England that the Duke of Genoa should be selected as the Sovereign of Sicily; and, failing that, they were not to look for the countenance or the protection of England in its endeavour to establish itself as an independent Power. The noble Marquess might have it in his power to give a distinct contradiction to this report, and he hoped he was; but he believed the noble Marquess was not in a condition to deny that, previously to that period, agents from Sicily had been received in this country: he did not mean to say they had been formally and officially received, but that they had been admitted to an interview with the noble Lord at the head of the Foreign Department—that they had communicated to the noble Lord their views and wishes with regard to the future constitution of Sicily—and that they had been informed by the noble Lord that England could not recognise Sicily as a republic, but that England would recognise Sicily as an independent monarchical Power, if a son of the King of Sardinia were elected king. He further believed it to be the case, for he stated it upon authority which would not be disputed, that a communication to that effect was made by direction of the noble Lord at the head of the Foreign Department, through Her Majesty's Ministers at Turin, to the King of Sardinia; and that a similar communication was made from the Foreign Office to Her Majesty's Consul at Palermo, Mr. Goodwin, who thought it his duty to lose no time in making the condition known upon which England would recognise the independence of Sicily. All this might be a fable; but, unless the noble Marquess was able to give it a distinct and positive contradiction, he (Lord Stanley) must hold that in point of policy it was an unjustifiable interference in the internal affairs of Naples and Sicily, and that to hold out any condition whatever as the price of the recognition of England of the independence of a revolted dependency of a foreign prince—and that prince our ally—was a violation of the law of nations, and contrary to all the principles of public faith. The first question, then, which he meant to ask was, whether any communications had been made by Her Majesty's Ministers, or by the authority of the Foreign Office, either directly or through the instrumentality of any of our Ministers or diplomatic agents in Italy or Sicily, with regard to the selection of a particular form of government in Sicily, or the election of a particular individual to be the head of that Government; or whether any intimation whatever had been made that the policy of England, as to the recognition of the independence of Sicily, would be guided by the course which the Sicilian Assembly might take upon that question —a question of purely internal policy? He had further heard another statement, which he hoped would be denied distinctly, which, if it were true, involved a more flagrant breach of neutrality, and even an act of hostility, than the subject he had just adverted to. It had been well known that for some time the King of Naples, in the exercise of his indisputable rights, having succeeded in arranging the affairs of his immediate dominions upon the continent of Italy, was making preparations to restore his authority in Sicily. In such a case this country had no right to inquire into the theoretical or practical abuses of the Government of Naples in Sicily; we had no right to ask whether the constitution of Naples was such as we approved in theory, or whether the Executive Administration was such as could be justified in practice. We had no right to inquire whether the Sicilians had just grounds to complain of oppression or injustice; and least of all had we any right to interfere in any efforts the King of Naples might think fit to make for the restoration of his authority over a portion of his revolted subjects. If our interference or mediation were asked for by both parties, and it could be made available for the purpose of preventing the unnecessary effusion of blood, he would not say a word against it; but unless application was so made for our mediation, our duty was plain, clear, and distinct—to remain wholly neutral between the contending parties. He wished, therefore, to ask Her Majesty's Government, whether they had practically recognised this principle; because it had been reported that whilst the King of Naples was preparing a force in the bay of Naples, for the reduction of Sicily to his authority, Her Majesty's fleet in the Mediterranean, in the execution of orders, had appeared in the bay of Naples, and had surrounded the fleet prepared by the King of Naples for the purpose of proceeding towards Sicily? It was true that no distinct intimation had been given of its being the intention of Her Majesty's fleet to prevent the ships of the King of Naples sailing towards Sicily; but the British fleet at this moment held so menacing a position with regard to the Neapolitan fleet, that their Lordships had a right to be informed as to the intention of its being so placed. Their Lordships had a right to know categorically whether the British Admiral had any instructions to prevent, or in any the slightest degree interfere with any, expedition which the King of Naples might send to re-establish his authority in Sicily; or whether the King of Naples would, so far as England was concerned, be left free to exercise his own pleasure in making those efforts which he might deem expedient for the object he had in view? But if the independence of Sicily had been recognised, he apprehended that this country had no right to insist upon conditions for its recognition. He had no hesitation in saying, however, that the state of affairs between Naples and Sicily was not such as to warrant the recognition of the independence of Sicily by this country. The struggle was not yet over; the war was still being carried on; success was doubtful. In this state of things the intervention of England, either by arms or moral influence, was unjustifiable. He had been told, and again he hoped the statement would be contradicted, that when the Assembly of Sicily elected the Duke of Genoa their Sovereign, the election was received by a salute from the British fleet, and that the same vessel, the *Porcupine*, which brought to Sicily the *attaché* from the British Embassy at Naples, also conveyed deputies from Palermo, charged with offering the crown to the Duke of Genoa—a crown which he, with great prudence, deemed it expedient to decline. The second question, therefore, which he desired to put was, whether instructions had been given to the Admiral commanding the Mediterranean fleet to interfere in the slightest degree with the free exercise of the authority of the King of Naples, by preventing him, if he thought fit, from sending a squadron to Sicily, to restore his authority there? He had no desire to call for the instructions to the Admiral, and he should content himself with moving—

> "That an humble Address be presented to Her Majesty for Copies or Extracts of Correspondence between Her Majesty's Government and any of Her Majesty's Ministers or Consuls abroad, in reference to the Election of a Sovereign of Sicily."

Of course he should not press the Motion if the papers could not be produced without inconvenience to the public service.

The Marquess of LANSDOWNE said, that without going into details, he had no indisposition to give the noble Lord such information as was in his power, with regard to the nature and character of that alleged interference—if it could be called interference, but which, in fact, amounted to nothing more than the tender of an opinion on the part of this country—which had taken place during the differences that had unhappily prevailed for a considerable period between the King of Naples and a portion of his subjects. He was anxious, however, before stating the course taken by Her Majesty's Government, to remove the impression which seemed to exist upon the mind of the noble Lord, and which, perhaps, existed upon the minds of other noble Lords in that House, that there had been, in any part of these transactions, a desire to accomplish, or to assist in accomplishing, a separation of the two kingdoms of Naples and Sicily. In all the differences which had existed, he was happy to state that we had been, and he hoped we should long continue to be, in a state of amity with the King of Naples. Towards Sicily, though united to Naples, we had always stood in very peculiar relations connected with its existence and constitution. But, without adverting to those differences, Her Majesty's Government prescribed to themselves, in the first instance, the course of endeavouring to maintain, so far as friendly counsel and interposition went, the connexion between Naples and Sicily upon the footing it had hitherto stood. Long after the disturbances had commenced in Naples, and long after they had commenced in Sicily, the whole object of the course taken by Her Majesty's Government, both previous and subsequent to that mission to which the noble Lord had alluded in somewhat contemptuous terms, but which he (the Marquess of Lansdowne) thought had been most successful and important, was to maintain the relations between Naples and Sicily upon the same footing that had hitherto existed; and the whole object of the mission upon which his noble Friend (the Earl of Minto) was sent to Naples, among other States, but sent there only because solicited by the King of Naples himself, and not from any desire to force British interference or influence upon that kingdom—was to produce and promote the adoption of those healing measures upon which it was justly believed the only chance existed of maintaining those relations. Such was the object of the Queen's servants, and such the object of the British Minister, as instructed by those servants; and such was the object of his noble Friend (the Earl of Minto) when he went upon that mission. These counsels were tendered; and so far from being received with any thing like scorn or disapprobation, they were received in the spirit in which they were offered, namely, in the spirit of amity and good-will. Even at an advanced period of the negotiations, Her Majesty's Government had reason to hope that his first and favourite object would have been accomplished; and Naples, had she subscribed to certain conditions, might then have retained, and would have retained to this moment, her power over Sicily. There was a moment, he said, when this was very possible; but changes took place in the counsels of his Neapolitan Majesty's advisers which served to induce other ends and other objects than the arrangement which was all but completed. Subsequent events widened the breach between Sicily and Naples, and were followed by the almost complete success of the Sicilians' arms in their resistance to the Neapolitan authority; but certainly up to the last moment, when there appeared the slightest practical hope of maintaining the union complete, the advice, counsel and action—so far as it could be called action—of Her Majesty's

Government, were directed to that object, and that object only. Undoubtedly it was not for want of any exertions on the part of the British Government, or for want of skill on the part of his noble Friend (the Earl of Minto), or of the noble Lord at the head of Foreign Affairs, that no such amicable conclusion had been come to. The noble Lord (Lord Stanley) having alluded in no very favourable terms to the absence of the noble Lord (Lord Napier) who was entrusted to represent the interests of this country at the Court of Naples from the seat of his embassy, he (the Marquess of Lansdowne) was glad to inform the noble Lord, that although it was undoubtedly true that Her Majesty's Minister was absent from Naples during these transactions, yet that that absence commenced long before these troubles took place; and he begged to assure the noble Lord that whenever he should come to see the whole of the papers and communications that had taken place in this matter, he would find that no country in the world had been represented with more ability, with more assiduity, or with more skill than this country had been, and was now, represented at Naples by Lord Napier. From the time when it became manifest that Sicily would no longer remain a part of the kingdom of Naples—in the sense which had previously obtained—the anxiety of Her Majesty's Government to favour the interest of the King of Naples did not cease on that account. The next step which Her Majesty's Government was most anxious to use their influence in bringing about as a result of these transactions was, that a prince of the house of Naples should be chosen as the sovereign of that kingdom, which had become practically an independent Power. No effort was spared by his noble Friend to induce the Sicilians to make that choice. However, as events proceeded, it became manifest that the people of Sicily, combining as they did every branch and every order, from the aristocracy down to the lowest class of the population, were determined to maintain their independence, which determination they displayed with so much military skill and valour as to make their independence certain. And it appeared probable that the Sicilians would adopt republican rather than monarchical principles. Her Majesty's Government did not, however, withhold their counsel or advice; and that counsel and advice, he begged distinctly to assure the noble Lord, was unaccompanied by anything like a threat, or the substance of a threat. Her Majesty's Government certainly did not think it advisable to interfere as to the form of government to be established in Sicily; but as far as their opinion was concerned, they gave it in favour of a monarchical rather than a republican form of government. In the present state of Europe he thought that that advice was sound for the Government of this country to give, and for the people of Sicily to receive. Assuming the people, of their own free choice, to determine on having a monarchical form of government, it then became most desirable that their sovereign should be elected from some of the princes of the Italian States, in order that the election should not be the cause of introducing princes of foreign extraction and foreign blood; which would have given rise probably to foreign interference, that would have been ultimately attended with further and more serious differences. Looking back, then, to the counsel which Her Majesty's Ministers had given, he now advisedly said that there was not any portion of it which he considered they had any reason to regret. The noble Lord was entirely mistaken as to the different events to which he had adverted. He was entirely wrong and misinformed when he supposed that a communication was made to the people of Sicily or the King of Sardinia that the Government of this country required the assurance that the Duke of Genoa should be elected as sovereign, or that they had annexed any sort of condition with reference to what would be the future conduct of this country in regard to Sicily as an independent State. All that this Government did say was, that when Sicily should constitute itself into a sovereign power, England would prefer a monarchical government, and to see a prince named as their sovereign who did not belong to a foreign State. The noble Marquess was then understood to say, that Admiral Parker had gone to the bay of Naples of his own accord, and that the movement of the British fleet had no reference to the transactions between Naples and Sicily.

Lord STANLEY had no desire to press the Motion; but he confessed that the answers of the noble Marquess were by no means satisfactory, nor did he believe they afforded such an explanation of the views and principles of the Government upon this important question as their Lordships and the country had a right to expect. By the admission of the noble Marquess it appeared that the fact was, that at a period when the struggle between Naples and Sicily was not over, and when the King of Naples had not resigned the hope or the intention of effecting a restoration of his authority in Sicily, Her Majesty's Government felt it consistent with the duty they owed to a friendly State, to enter into communications with, and offer their advice to, its revolted subjects, as to the mode in which they should constitute themselves an independent Government. No conditions, said the noble Marquess, were affixed to the advice so given; but he had unequivocally stated that this country had informed Sicily that so soon as she had established a sovereign to rule over her newly-constituted independent State, this country would recognise her independence. This, in itself, was no small inducement, if it were not a condition, to proceed to the election of a sovereign. Neither had the noble Marquess denied that the Government had informed these revolted subjects of the King of Naples—for such they were, whatever they might be called—that the choice most gratifying in England would be an Italian prince, the son of the King of Sardinia. This avowed course of proceeding was inconsistent with the friendly feeling by which we professed to be animated towards all our Allies; it was inconsistent with the strict neutrality it was our interest and duty to maintain between a mother country and a revolted dependency. He had a right to ask Her Majesty's Government a question upon a point concerning which the answer of the noble Marquess had been most unsatisfactory. He was aware that Sir William Parker's fleet had appeared in the bay of Naples in consequence of a complaint against a Neapolitan vessel for having hoisted English colours. No doubt this was a proper matter for diplomatic explanations and correspondence; but it was wholly improper and menacing to permit the intervention of a powerful British squadron concerning it. The sole cause of the offence which had led to the appearance of a British fleet in the waters of the bay of Naples, was, that in the open sea a Neapolitan vessel chased a Sicilian vessel, and for the purpose of coming within distance she hoisted British colours; but previous to firing she lowered the British colours and hoisted the Neapolitan. No man would contend this was a matter to render necessary a menacing appearance and an overawing force. Their Lordships and the country had a right to know whether the Government still intended to maintain, under existing circumstances, a strict neutrality between the forces of his Majesty the King of Naples and the insurgent force of Sicily, and whether, in pursuance of that neutrality, they considered the British Admiral would be justified in offering any obstacle to the expedition which the King of Naples might think fit to equip out, and which it was notorious he had prepared, and which he was only intimidated from sending out of the bay of Naples by the presence of the British fleet.

The Earl of MINTO: It was understood that a Neapolitan steamer had hoisted the British colours, not in the main sea, but in the waters of Corfu, for the purpose of deceiving a vessel which had assumed the character of a merchant ship, but on board of which it was ascertained were embarked a large number of Sicilian refugees from Calabria. They were brought over to Naples, and the admiral demanded access to those persons to know the cause of complaint. That access was refused; and from what had taken place, it did appear to him (Lord Minto) that there was sufficient, and more than sufficient, ground to justify a peremptory demand of an explanation. The admiral very naturally and properly judged for himself under the circumstances; and on this occasion, as on every other occasion, he was perfectly certain that the judgment of that most distinguished officer would be found to be characterised by prudence and firmness. He begged to say one word on another matter. The noble Lord seemed to think that he (Lord Minto) had proceeded somewhat officiously to Sicily.

Lord STANLEY: Quite the reverse. I distinctly stated that your Lordship went under the direct invitation of the King of Naples.

The Earl of MINTO continued to say, that he went to Sicily, not merely in consequence of an invitation, but of a pressing and urgent request made to him by the King of Naples. The noble Lord seemed to think that he (Lord Minto) had interfered rather unnecessarily in the matter; but he begged to say that he had felt most unwilling to interfere at all, and that it was only at the instance and most earnest entreaty of the Neapolitan Government, and of the Sovereign in particular, that he had been induced to undertake the mission. He would say no more on this subject, except that his object throughout had been, if possible, to maintain the connexion between the two kingdoms; but that he felt that that connexion ought not to rest solely with the Neapolitan Government, who had offered terms which they shortly afterwards withdrew from. He agreed with the noble Lord as to the general principle of non-interference; but, at the same time, he could not agree in thinking that there were no circumstances in the previous connexion between this country and Sicily, which imposed upon England very serious obligations towards that country; and, on a fitting occasion, he should be perfectly prepared to enter fully into this question—at the present moment he could not do so, as it would be necessary to produce documents which at this moment it would be extremely improper to produce.

The DUKE of ARGYLL said, he rose merely to express his deep regret that Her Majesty's Government had so hastily and at so early a period thought it indispensable to announce its recognition of the independence of Sicily. He was not one of those who objected to this country countenancing those who were struggling for that constitutional liberty which England had so long enjoyed, nor did he forget the peculiar relations between this country and Sicily to which the noble Earl had referred; but at the same time he could not help feeling that the true interests of Italy lay in consolidating, not in dividing, its power. He had no doubt but that it had been the earnest desire of Her Majesty's Government to maintain the connexion between the two countries of Naples and Sicily in the first instance; but he must express his deep regret that Her Majesty's Government should at so early a period have concluded that it was impossible that that connexion could be re-established, because he could not help feeling that such an intimation on the part of Great Britain must have the effect of determining for ever that separation.

EARL GREY thought it was somewhat premature on the part of the noble Duke, before he had seen the documents, or was fully acquainted with the circumstances of the case, to express so decided an opinion on it.

The DUKE of ARGYLL: I merely expressed my regret.

EARL GREY said, he could reiterate the assurance of his noble Friend the President of the Council, that it had been the anxious desire of Her Majesty's Government to maintain the connexion between the two parts of the kingdom of the Two Sicilies. He entirely concurred with the noble Duke, that consolidation, and not division, would be for the interest of that part of the world; but at the same time it should be recollected, that that matter depended on circumstances, and that the subject was one which could not be discussed until the House had such full information on the transaction as would enable them to form a correct judgment upon it. When the time arrived at which the reasonableness of these proceedings could be fairly discussed, and when the Government could, consistently with their duty, produce all the information that they possessed on the subject, he had no doubt whatever but that they would be able to show that they had not acted in this matter without due cause. At present, however, they all laboured under a great disadvantage in discussing the subject, as Her Majesty's Government could not state, without injury to the public interests, what their justification was for the policy which they had pursued. Whenever this subject could be brought before their Lordships in such a manner as that the opinion of the House could be fairly pronounced upon it, then, he had no doubt that such a case would be made out as completely to justify all that the Government had done.

The EARL of MALMESBURY said, that the second question of his noble Friend (Lord Stanley) had not yet been answered by any Member of Her Majesty's Government. He begged therefore to ask Her Majesty's Government a plain question in plain English, namely, was it intended that Admiral Parker should interfere with any expedition which His Neapolitan Majesty might at present attempt to send against his revolted subjects in the island of Sicily?

The MARQUESS of LANSDOWNE was understood to decline giving an answer, on the ground that it would not be conducive to the public interest to do so.

Motion (by leave of the House) withdrawn.

MR. LABOUCHERE'S LETTER TO THE IRISH MAGISTRACY.

The MARQUESS of LANSDOWNE, in moving that the Corn Markets (Ireland) Bill be read a Third Time, said, that he wished to take that opportunity of referring to a complaint made by a noble and learned

Lord not now present (Lord Brougham), some evenings ago, of a letter written by Mr. Labouchere when Secretary for Ireland, in which it was alleged that he had announced to the people of Ireland their right to carry arms. He had since then had an opportunity of referring to that letter, and he felt justified now in stating that the noble and learned Lord had been misinformed about the purport of the letter in question. At the time the noble and learned Lord spoke, he (Lord Lansdowne) had only a very general recollection of the contents of that letter; but since then he had referred to the letter itself, and found that it was not at all liable to the censure which had been directed against it. He held a copy of the letter in his hand. He would not trouble their Lordships with reading it, unless their Lordships wished him to do so; but he would state that its object was to explain, for the information of the magistracy of Ireland, the law with respect to the carrying of arms; to show that, although the people had a perfect right to carry arms, they were not entitled to carry them for illegal objects; and to instruct the magistrates how to act in the case of those who were found doing so. Undoubtedly, towards the close of the letter there did occur a passage with respect to the right of the people to carry arms; but not in such a way as to intimate to the people of Ireland—that which they perfectly knew at the time—that it was their right to carry them for legal objects: but the aim of the whole paragraph was to convey to the magistrates of Ireland the assurance that Mr. Labouchere and the Government of Ireland were determined not to allow the right of carrying arms to be abused for illegal purposes; and that the magistrates might depend upon deriving every assistance from the Government in preventing such an abuse of it. It was quite true, that some short time after that letter was published, a placard was stuck up in the streets of Dublin, containing a short extract from it, respecting the right of the people to carry arms—not only without giving the rest of the letter, but without giving the remaining words of the paragraph from which the extract was taken. At the top of the placard there was placed a representation of the arms of the Lord Lieutenant, with the view of giving it the appearance of an official notification by order of his Excellency, that every Irishman had a right to carry arms, as if this had been a privilege manifestly new, and notified for the first time to the Irish people! He hoped his right hon. Friend in those circumstances would stand acquitted in the eyes of their Lordships, and in the eyes of the public, of having done so monstrous and foolish an act as to go out of his way for the purpose of telling the people of Ireland that they might carry arms.

TITLES OF ROMAN CATHOLIC PRELATES.

Lord REDESDALE rose to move—

> "For a Copy of a Despatch, dated Downing-street, 20th November, 1847, relating to the Titles by which Prelates of the Roman Catholic Church in the Colonies are in future to be addressed in all official Communications."

The circular had been addressed by the noble Lord, he believed, to the Governors of the Australian Colonies, and he was induced to call their Lordships' attention to it, in consequence of the erroneous impression to which it was calculated to give rise with regard to the proceedings of the Legislature on the subject to which it referred, and because there was a feeling of delicacy entertained on the part of some in taking the oath of abjuration in that House and elsewhere, on account of a supposed alteration in the position in which this country stood towards the Pope and those who acknowledge obedience to him. [The noble Lord read the despatch, which stated that his (Earl Grey's) attention had been called by the Lord Lieutenant of Ireland to the fact of the Roman Catholic prelates in the colony not having their rank acknowledged in the same manner as in Ireland, and that as the Legislature had in the Charitable Bequests Act formally recognised them, by allowing the Roman Catholic Archbishops and Bishops to take rank immediately after the Archbishops and Bishops of the Established Church, it was the desire of Her Majesty's Government that the rule should be conformed to in future in all official communications addressed by the Colonial Governors to Roman Catholic prelates.] There could be no doubt but that the letter had been written in great haste, and that the error was an unintentional one; but still the fact should be known, that in that Act there was not a single clause having the slightest reference whatever to Roman Catholic prelates and their position in Ireland, or in the colonies. The Act merely authorised the appointment of a Commission, to include the Master of the Rolls, the Lord

Chief Baron, the Judge of the Prerogative Court, and ten other persons, five of whom were to be Roman Catholics. In the Commission two Roman Catholic Archbishops were placed next after the two Archbishops of the Established Church; but every one knew that the manner in which persons were placed on such occasions had no reference whatever to their rank. An instance of this was afforded in the Treasury, where the First Lord was often a commoner, while junior Lords might be persons of much higher rank. The fact was, that if all the Protestants had been placed first on the Commission, and all the Roman Catholics last, it would be impossible for any of the latter ever to have a chance of occupying the chair at their meetings; and it was in order to make a fair distribution of the chance of filling the chair, that the arrangement of the names on the Commission had been settled. This subject was one that had been scarcely sufficiently attended to. If the title of "Grace" were to be given to Roman Catholic Archbishops in the colonies, where they had themselves no archbishops, it was clear that the Roman Catholic prelates would be able to take precedence of the Protestant bishops, and in fact of all other persons, as he doubted if even a Governor, who was not a viceroy, could have precedence. In this country Archbishops had precedence merely from their primacy. Thus the Primate of all England took precedence of the Lord Chancellor; but the Lord Chancellor had precedence over the Primate of England. Again, if the rank of Roman Catholic prelates was to be allowed in all cases, he would wish to know what precedence would be given to a Cardinal or to a Legate, as there were no such titles in the Established Church; and yet the words in the despatch were, "the rank to which their dignity in their own Church entitles them?" He thought that the noble Earl would see that there were points in that despatch which required reconsideration; and he begged, therefore, to move for its production in the words of his notice.

EARL GREY said, there could be no possible objection to the production of the circular to which the noble Lord alluded. It was perfectly true that the Bequests Act did not expressly recognise the rank of Roman Catholic prelates; and that, in writing the despatch, he had undoubtedly taken somewhat hastily the expression used in the letter of his noble Friend the Lord Lieutenant of Ireland to him on the subject; but at the same time it should not be forgotten that since the Bequests Act the rank of the Roman Catholic prelates in Ireland had been recognised by the preceding as well as by the present Government; and that the fact of their not having been recognised also in the colonies had given very great dissatisfaction. Therefore, though the language of the circular was, to a certain degree, inaccurate, it was at the same time substantially correct. In the Commission authorised by the Bequests Act, and which had been afterwards laid before Parliament, and not objected to, the titles of the two Roman Catholic Archbishops were distinctly recognised as "our trusty and well-beloved Archbishop Crolly," and "our trusty and well-beloved Archbishop Daniel Murray." But further than that, he found their rank distinctly introduced into an Act of Parliament, and though it was a private Act, still it was no less an Act of the Legislature on that account. In the Dublin Cemeteries Act, he found a Roman Catholic Archbishop styled "The Most Reverend Archbishop Murray;" and in the same Act, which was passed in 1846, Dr. Murray was styled "His Grace." It should be recollected, besides, that the despatch did not give a rank, but merely recognised a rank already recognised by law. He believed it was an unfortunate circumstance that the title of "my Lord" should be given to bishops, either of their own or of the Roman Catholic Church. He believed that the title was first given to them as Peers in Parliament; and it was well known that in Scotland the bishops had never assumed that title. In some colonies the English Church was no more established than the Roman Catholic; and in many of the colonies the Roman Catholics formed the great majority of the population, as, for instance, in the Mauritius; and it appeared to him that it would be contrary to all justice and reason that in such cases the title accorded to the prelates of the one religion, should not be given also to those the other. As he said before, however, the despatch did not confer a rank, but merely recognised a rank already admitted. He was convinced that the recognition of the Roman Catholic prelates in the colonies, was a measure consistent with sound policy. He did not know that he had any farther observations to offer, except to say that he was not aware that any complaint had been made, or that any difficulty had arisen on this subject.

Lord STANLEY said, he thought the noble Earl would have taken a better course if he had frankly and distinctly admitted that the despatch was founded in error. The noble Earl had misrepresented in his despatch—unintentionally no doubt—that "the Act of Parliament had recognised the rank of Roman Catholic prelates," and in the next place, that "it was the duty of Her Majesty's Government to conform to the rule laid down by the Legislature." Now, the fact was, that no such acknowledgment had been made, and no such rule laid down. There was no justification either in the Act of Parliament, or in the Commission, for the statement made by the noble Earl in his despatch. There was not one word in the Act with regard to the prelates of the Roman Catholic Church, nor a word in the Commission about precedence to be given to them. Her Majesty, in the exercise of the prerogative which undoubtedly belonged to her, gave precedence in her letters to certain prelates of the Roman Catholic Church, but to none others; and even these took no rank whatever out of the doors of that Commission; while either in or out of the doors of the Commission, no other Roman Catholic prelate whatever could have the slightest precedence or position with regard to rank. The two allegations of the noble Lord, therefore, fell to the ground; and the real motive for placing the two Roman Catholic prelates in that position in the Commission had been truly stated by his noble Friend behind him. They were placed there, not because they were prelates, but because they were Roman Catholic Commissioners, and because Her Majesty wished to give to the Commissioners of both persuasions an equal chance of presiding at their meetings.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, August 8, 1848.

Minutes.] Public Bills.—1° Boroughs Incorporation; Legacies to Charitable Institutions.

2° Westminster Improvements.

Reported.—Churches; Proclamations on Fines, Court of Common Pleas; Poor Law Union Charges (No. 2).

3° and passed:—Turnpike Roads (Ireland); Canada Government; Militia Ballots Suspension.

Petitions Presented. By Colonel Dunne, from the Grand Jury of the County of Westmeath, for the Parliament to Assemble Periodically in Ireland.—By Mr. Wilson Patten, from Inhabitants of Patterdale, Westmoreland, for a Better Observance of the Lord's Day.—By Mr. Barkly, from Members of the Acting Committee of West India Planters and Merchants, to take the State of the West India Colonies into Consideration.—From the Commissioners for the Improvement of the Township of Rathmines, adjoining the City of Dublin, in favour of the Dublin Police Bill.—By Sir William Somerville, from Drogheda, respecting the Suppression of Stations on the Dublin and Drogheda Railway.—By Captain Archdall, from the Parish of Lisnaskea, County of Fermanagh, for Encouragement to Schools in Connexion with the Church Education Society (Ireland).—By Mr. Bright, from John Hooper, for Inquiry into his Case.—By Captain Archdall, from the Grand Jury of the County of Fermanagh, for Inquiry into the Working of the Poor Law (Ireland).—By Mr. Bright, from the Board of Guardians of the Bury Union, Lancashire, for an Alteration of the Poor Law Union Charges Bill.—By Mr. Forbes, from the Presbytery of Dunblane, Perthshire, against the Registering Births, &c. (Scotland) Bill.—By Mr. Cubitt, from the Irish Society, against the Renewable Leasehold Conversion (Ireland) Bill.—By Mr. Anderson, from Landholders, and Others, of Shetland, for Appropriating a Portion of the Revenues of a Certain Estate in Shetland, towards the Making of Roads.

ARREST OF MR. W. S. O'BRIEN.

Mr. SPEAKER, on taking the chair said: I have to inform the House that I have received a letter from the Lord Lieutenant of Ireland, dated the 6th of August, to the following effect:—

> "Sir—It is my painful duty to inform you, that Mr. William Smith O'Brien, a Member of the House of Commons, was yesterday arrested at Thurles on a charge of Treason, and is now in the jail of Kilmainham.—I have the honour to be, &c. "Clarendon."

POOR LAW UNION CHARGES (No. 2) BILL.

On the question that the Report be received,

Mr. Alderman SIDNEY called the attention of the right hon. Gentleman again to the extent of vagrancy, which required greater means than were in existence in order to check it, in the city of London. In Leeds, the amount of poor-rate had doubled within the last three years; and in London, the number of vagrant poor relieved in 1839 was 396, and in 1847 it amounted to no less than 41,743. In the instructions there seemed to be a desire to refuse relief to vagrants unless provided with a pass; but humanity and justice required some provision for them. A man, because he was a vagrant, must not be left to starve. In most workhouses, however, there was not sufficient accommodation for them.

Mr. BULLER said, if a policeman were employed, he would know better how to discriminate between real and pretended destitution. He did not consider that the instructions would justify any person in absolutely refusing relief. The city of London might avail itself of the Poor Law Act of 1844, though he did not blame them for not doing so.

Mr. C. LEWIS, having had some experience in the execution of the Vagrancy Act, could affirm that the provisions of the existing Act were sufficiently stringent; it would be difficult to increase their stringency. But there was an unwillingness on the part of magistrates in the metropolis and throughout the country to give effect to the provisions of the Act; and there was likewise a difficulty in obtaining evidence as to an act of vagrancy.

Bill reported. Amendments made.

Bill to be read a third time.

POOR LAW UNION DISTRICT SCHOOLS.

On the question that the House resolve itself into a Committee,

Sir H. WILLOUGHBY had hoped that the right hon. Gentleman opposite (Mr. Buller) would have thought it necessary to explain the details of the measure which they were now called upon to consider in Committee. It was of course impossible to deny that, with reference to the objects of the Bill, some very important regulations were necessary. It was necessary that a competent education should be given to a very large class of the community. With reference to this matter, there had been presented to the House some time since a petition from the Ashton union, in which the petitioners assumed, he believed upon good grounds, that by the recent legislation on this subject the parochial burdens had been increased. They stated that the children in workhouses were better educated than the children of the labouring classes and those of mechanics, who were brought up out of the workhouses; that they were kept at school till the age of 16, when they were too old to learn any useful art. The petitioners complained that parents and children were separated; that widows and orphans were never allowed to meet; and that there were other grievous faults in the system. According to the present Bill it was provided that the educational district should extend to distances of fifteen miles; this was a penal exile, by means of which the poor children were separated from their friends and connexions. It was objectionable, as tending to centralisation, and to the increase of Government patronage. Further, they must all agree that religious instruction was essential to the poor; but by the proposed system religious freedom could not exist. The poor-rates were at present excessively burdened, and he regretted to observe that this was the third instance in which it was attempted to fasten great charges upon those rates. Those additional charges were for the purpose of defraying expenses which had no necessary connexion with the relief of the poor. The highways were, to some extent, charged upon those rates, and so were vagrants. Hon. Members could not have forgotten that in the year 1844 an Act was passed enabling the Poor Law Commissioners to establish district schools; but since this it was to be observed that a great change had taken place in the condition of the people, as well in towns as in the rural districts. A great change had been effected in the condition of those who were employed in the cultivation of the soil by the unrestricted admission of foreign corn. The Government laid it down as a principle that the necessaries of life must be procured at the lowest possible rate of payment; upon what principle of justice, then, were they prepared to lay on an additional charge in the shape of poor rates? He knew that many hon. Members might urge that the expense now proposed was only a matter of small amount, but he did not take that view of the subject. Under the provisions of the Bill now before them, the Poor Law Commissioners possessed authority to appoint school districts, which gave them the means of exercising a great extension of power; and over the expenses which they incurred there was no control; no owner or ratepayer could object to any purchase that the Commissioners might make, or to any lease that they might take. In his opinion there was nothing more calculated than that was to render the whole Commission odious to all the people, who naturally viewed with great alarm any addition to the poor-rates.

Mr. BULLER was much obliged to his hon. Friend for affording him that opportunity of explaining the principle and some of the details of the measure which he then proposed to bring under the notice of the House. It seemed to him that his hon. Friend laboured under some misapprehension as to the precise nature of the Bill, and he should gladly set him right regarding those points upon which he seemed to have received incorrect information. He hoped, in the first place, that the House would do him the justice to believe that, at the present period of the Session, he should not have ventured to bring forward any proposition having for its object the imposition of a new charge upon the country, By the Bill then before them the weight of the poor-rates would not in any degree be increased; and his belief was, that the effect of the Bill, so far from augmenting those burdens, would have a tendency to diminish them, by leading to an economical and wise expenditure. Antecedent to the Act which was passed in 1844, the children of the poor were taken into the workhouse, and therefore remained no longer under the care of their parents. Nothing, then, could be more obvious than that it became the duty of the Government or the Legislature to see that children so circumstanced were not brought up in utter ignorance; and it was most fitting that decent and sufficient education should be provided for them. Those children were thus removed from ordinary influences — from the ordinary industrial teaching, from the example and influence of a home; and the Legislature was therefore bound to take care that the children suffered as little as possible from the evil which those causes were calculated to generate. It was the duty of Parliament to see that the system of workhouse education did not result in keeping up a constant supply of paupers. Under the existing system too many of those brought up in the workhouse were marked by a tendency to regard the workhouse as their natural and proper home—the free life of the country was not associated in their minds with any feelings of enjoyment or independence. They had been accustomed to the workhouse from their earliest infancy, and they never had known anything better; they were accustomed to the confinement of the workhouse, and when they became adults there was nothing to deter them from entering it. As the law previously stood, the unions were bound to provide for those schools masters and mistresses, and the expense of those teachers was defrayed out of the rates. In the year 1844 the evils to which he referred had already struck the mind of Parliament very forcibly. They then determined that it might be necessary to incur a larger expense for the purpose of providing masters and mistresses; that expense was for the first time undertaken by the country, and has since been defrayed out of the Consolidated Fund: and it was deemed a more economical plan than had hitherto been adopted to have a common workhouse for the children of several unions—in other words, to form a district workhouse or place of instruction for the children of the poor, with a master and mistress for each. Now, though he should be entitled to form such districts, he had no power to go any further. The machinery was quite voluntary on the part of the union. He could not compel any union to carry a plan of that nature into effect, nor could he impose on them a single farthing in the shape of rates, neither could he cause the expenditure of any funds. Further, he did not propose by the Bill then before the House to extend in any respect his own powers; for the whole expenditure under the Bill was to be carried on by the guardians. The guardians were to be chosen by the ratepayers, and thus, in effect, the expenditure would be in the hands of those who contributed the funds. In the first instance it had been determined that no part of any union should be of greater extent than fifteen miles; the effect of that arrangement was to limit the operation of the Bill to the metropolis, where alone there were unions sufficiently populous to permit such an arrangement; secondly, the expense of the building was not to exceed one-fifth of the whole annual expenditure of the district in the way of poor-rates; the third limitation was that the consent of the parents became necessary. To the present Bill there was certainly no objection on the score of expense, for he did not possess the power of forcing the guardians to incur any expense whatever. With regard to the removal of children from under parochial care, he begged to remind the House that many of them had no parents, or were deserted by their parents. In the first place, there were 10,000 of those children illegitimate; 5,000 of them belonged to parents who were not in the workhouse, a certain proportion to widows who were in the workhouse, and a certain other proportion to those who were—some to widowers in and some to widowers out of the workhouse, some who had lost one parent, and some who had lost both; some whose fathers, and some whose mothers, were labouring under mental or bodily disease. 4,502 were the children of ablebodied parents who were in the workhouse, and the total number of children to whom this system of education was applied amounted to 51,237. Of that number there certainly were not above 11,000 who ought to be with their parents. In the Rotherham union the place of education had not been found sufficient; they wished to make an addition to the workhouse for that purpose, but they found it would be much less expensive that two or three unions should be formed into one district for the purposes of education, than that they should have separate schools in each union, or even that they should limit the district to fifteen miles. This evil was felt in Rotherham; but it was also felt in other unions throughout different parts of Hampshire, Berkshire, and other unions. The evil of overcrowding the workhouses was found to be an evil of the most serious magnitude, and deeply prejudicial to the morals of the poor. He saw no reason why the supposed interests or feelings of the parishes should stand in the way of a general arrangement so obviously useful as that which was then proposed. He hoped it would not be supposed that, in this matter, he in any degree disregarded the feelings of the people in introducing a measure of this nature; he hoped, also, he should receive credit for being persuaded that the welfare of the children themselves ought to be the paramount consideration. That many of them were kept away from their parents must prove not only no loss, but a very great gain, for the great mass of the parents of such children were themselves confirmed paupers. Besides that, in all the workhouses it was felt to be a great difficulty to prevent communication between the children and the worst class of paupers. This was felt to be particularly the case with respect to the class of ablebodied women, whose example was in every respect the worst that could be presented to young persons. Even if they were sent amongst those women merely for the purpose of acquiring some knowledge of domestic matters, such as cleaning a house or washing linen, that might be corrupting and contaminating. He had not long since received a letter from a clergyman at Penzance, describing the state of that union. It was, he believed, the least pauperised union south of the Trent, the rates being only 10*d.* in the pound; but the fate of the girls brought up in the union workhouse was most deplorable. They were kept in tolerably good order till they reached the age of 16, when they were sent in amongst the women; and the account then given of them and their conduct was most distressing. In Falmouth, where the state of the people was generally much less satisfactory, and where the rates were 2*s.* 3*d.* in the pound, the condition of the children, however, was much more satisfactory, simply from the circumstance of their being all brought up in a school apart from the workhouse. He had a letter from a Quaker lady, descriptive of the state of the girls in that school. While retained in the school, they were docile, cleanly, of neat habits, and perfectly honest; the mistress under whose care they were educated confided in them, leaving them free access to places where money was kept. Many of them went out as servants, and acquired good characters; but those who went into the workhouse were often irrecoverably corrupted. He might refer to two instances where this system of education worked well, and with respect to which every hon. Member had an opportunity of judging for himself of its good effects. He alluded to Mr. Aubin's school at Norwood, and the school where the children of the Lambeth union were kept. When they talked of education, they sometimes thought too much of the learning that could be put into the heads of children out of books of ordinary instruction; but he thought that the great thing, after all, was, to teach them the elements of those kinds of industry which they might exercise in after life. When they had but a small school, consisting, perhaps, of only fourteen children, it was impossible, on account of the expense and other reasons, to establish such a system; but in such schools as the one at Norwood, where large numbers of children were assembled, they could be classified; some boys might be taught tailoring, some bootmaking, or various other occupations, and on the coast it would be possible to bring some up as sailors; and in one or two instances the latter species of instruction had been afforded. Having explained the objects of the Bill, he trusted that the House would now allow it to be considered in Committee.

Sir W. JOLLIFFE thought they were now debating as important a measure as Parliament could be called on to discuss. He agreed in a great deal of what had fallen from the right hon. Gentleman, in the course of the lucid exposition he had made. He, however, thought that the right hon. Gentleman had failed in showing —although the measure was described as a permissive one—that the country was not going to incur an enormous expense on account of it; and, though he gave the right hon. Gentleman credit for the kind and charitable feeling which had induced him to propose the measure, the right hon. Gentleman had failed to convince him that the mode of carrying out the object was desirable. The main object was to remove the children from evil influences; and if the removal from those workhouses of the ablebodied women's ward could be effected, the principal object in view would be accomplished, and at one-twentieth of the cost likely to be incurred by the proposed scheme. All these inconveniences might be avoided by providing for the class of women adverted to some asylums throughout the country, where, instead of corrupting others, they might have a chance of reforming themselves; and some of them who were anxious to amend their lives might with advantage be sent out to our colonies. However, he hailed the present measure with satisfaction for one reason, inasmuch as it showed that the authorities of the Poor Law Commission were alive to the evil arising from the presence in the workhouses of the class of women he had adverted to.

Mr. HENLEY thought that the speeches of the right hon. Gentleman and hon. Baronet must have convinced everybody that they were now dealing with a much larger subject than at first blush might have been supposed. He conceived that what had fallen from the two hon. Gentlemen constituted a most complete condemnation of the workhouse system, which had brought about such a state of things that it was said that no young person could be in the workhouse without a certainty of being ruined. Would, then, the proposed measure remedy that great evil? The right hon. Gentleman might refer to the school at Norwood, and say that that was a large school, and that there the system worked well; but there, it must be recollected, the children were not placed at a distance from their friends; they were not removed, as they might perhaps be under the proposed system, as far as thirty or forty miles from their friends. Such an arrangement might be all very well in a limited district of fifteen miles; but if the right hon. Gentleman amalgamated with other unions districts where Dissent prevailed, how would he deal with that state of things? The right hon. Gentleman said that at present in the workhouses the parents were separated from the children; but it must be remembered that in case of illness the mother had access to her children directly. This arrangement would be entirely got rid of under the proposed system. What was to be done if a person went into the workhouse casually, for a month or so, with four or five children? Were those four or five children to be carried forty or fifty miles off to a district school? or for these contingencies was it intended to continue the expenses of a schoolmaster in the workhouse? The more the measure was examined, the more difficulty would be found in dealing with it at that period of the Session; and he therefore hoped that the right hon. Gentleman would consent to postpone it till the commencement of another Session, when there would be time to consider deliberately a subject of this magnitude.

Viscount EBRINGTON had hoped that the principle of the Bill would have received the assent of the House, and that the details of the measure would now have been considered in Committee. The expense expected to be incurred under this Bill excited alarm; but surely the House must be aware of the great expense at present incurred by providing for the separate classification of small bodies of children all over the country, which expense would be lessened by their assembling together in larger numbers. With regard to the religious instruction of children in the schools to be established under this Bill, reference was made in the Bill to the provisions of the former Poor Law Act; and he did not think it necessary to introduce any new provisions on the subject. It was provided under the present law that chaplains of the Established Church should be appointed to workhouses, with the consent of the bishops of the respective dioceses in which such workhouses were situated; and it was enacted, with respect to Dissenters, that no rules or regulations of the Commissioners should oblige any inmate of the workhouses or schools to attend any religious service to which he entertained an objection; and that no child should be taught any creed which was objected to by his parents or next of kin.

Committee postponed.

LEGACY DUTIES.

Mr. RAPHAEL rose to move for leave to bring in a Bill to exempt from legacy duties all charitable bequests, not to private individuals, but to public bodies. His main object in coming into Parliament was to introduce this Bill; and if it should be carried, he would then accept the Chiltern Hundreds. He implored Her Majesty's Government, on his bended knees, to pass this measure. He could assure the noble Lord that in doing so he would immortalise himself. The sum at present raised from the duty on legacies to charities did not exceed 15,000*l.* per annum; and he asked the Government if, for such a paltry sum as that, a country like Great Britain ought to maintain such an impost.

LORD R. GROSVENOR, in seconding the Motion, called upon the Government to allow the Bill to pass. The legacy duties in a great many instances were the means of preventing the full development of some of our finest institutions.

The CHANCELLOR OF THE EXCHEQUER said, that if he consented to the remission of one duty because it was small, he would be called upon to give up others on the same ground. He had already this year given up the copper duty. He highly appreciated his hon. Friend's motives in bringing the subject forward; but he could not consent to the concession that was demanded. He doubted if his hon. Friend had not underrated the amount when he fixed it at 15,000*l.*; but whether the sum was small or large, while the income was less than the expenditure it was not a time to ask him to forego any revenue whatever. After all, a very large portion of these charities were of a very absurd character; and those parties who left money to them could also easily leave money to pay the legacy duty. Some of the charities were not only ridiculous in themselves, but perhaps were prejudicial to the public interest. He would not object to his hon. Friend laying his Bill on the table; but it must not be inferred from that that he would at all support it. His hon. Friend had given one very strong reason for the opposition of the Government to the Bill, and that was, his announcement respecting the Chiltern Hundreds. On that account he should oppose the Bill, rather than run the risk of losing his hon. Friend's support to the Government.

LORD G. BENTINCK: I entirely join with the Chancellor of the Exchequer in his condemnation of those who lavishly throw away the public money when the revenue does not meet the expenditure. But I take leave to ask the right hon. Gentleman whether he does not think 15,000*l.* a year, or even 50,000*l.* a year (if it be 50,000*l.* a year), would have been better bestowed in the relief of charitable bequests from this tax, than 50,000*l.* flung away upon the remission of copper duties —where the tax levied did not exceed six per cent *ad valorem*, and this, too, upon the productions of foreign countries. I also take leave to ask him whether he does not think 15,000*l.* a year raised upon the charities of this country would be better spared from the revenue, than the 40,000 or 45,000*l.* which had been remitted upon the corn duties, in violation of the law, and without asking the consent or advice of Parliament, when Parliament was sitting? I think it comes with an ill grace from the Chancellor of the Exchequer, who, without asking the consent of Parliament, has this year remitted corn duties to the extent of 40,000*l.* or 50,000*l.* in violation of the law, to get up and lecture the hon. Member for St. Albans for asking so unreasonable a thing as a remission of 15,000*l.* when the revenue does not equal the expenditure, although that tax operates as a great discouragement to benevolent individuals who might be disposed to bequeath money to the charitable institutions of this country.

SIR R. PEEL would not, by supporting this Bill, commit himself to the principle that they should encourage parties to neglect the claims of their families in favour of public charities. The first duty of a man was to provide for his own family. He did not say that there might not be circumstances in which it might be proper for an individual to slight those claims and prefer those of public charity; but speaking generally, the provision a man made for his own family was a very unostentatious and unobtrusive thing, and he did not often get much credit for it; but it might gratify his vanity to be advertised in the public newspapers as a person who had given 10,000*l.* to a public charity. If these were his motives, he (Sir R. Peel) should not encourage him in them. He hoped they should not be committed to this principle, by acquiescing in the first reading of this Bill. Why, he had known public institutions left by will, and he had seen the descendants of those who left them receiving 100*l.* from the royal bounty, because their parents thought to gratify their vanity by presenting to the public what should have constituted the sources of their subsistence. He had seen the descendants of such men come to the public treasury, saying that they hoped the royal bounty would be exercised in their favour, as they had been ruined by the misplaced generosity of their own relatives.

Leave given.

THE BALLOT.

Mr. HENRY BERKELEY: Sir, if after the powerful way in which Mr. Grote pressed this question on the attention of the House of Commons in 1836 and 1839; and if, after the able way in which it was treated by my hon. Friend the Member for Sheffield (Mr. Ward), in 1842, I could hope to make any impression, I might justly be accused of presumption. Indeed, Sir, I have no such hope; but having served under Mr. Grote, and having followed the able leading of my hon. Friend the Member for Sheffield, being sincere in my belief of the necessity of the measure, I venture once more with feeble, perhaps, but certainly with willing hand, to unfurl the banner of our cause, and, pointing to the words of Cicero emblazoned upon it as our motto, *Tabella vindex tacitæ libertatis*, I have full confidence that there are those present among my hon. Friends who will rush to the rescue, and supply that ability in its defence which my zeal may lack. Sir, I cannot but think that the ballot is in the category of those important questions which have finally triumphed less from the exertion of individual ability than the improvement of public opinion; and since the Reform Bill, the march of civil and religious liberty has been so rapidly progressive—and ever since 1842, when last a similar Motion was before the House, questions of so bold and decisive a character have triumphed—that the ballot appears by comparison a reform of an ordinary description. In the year 1710, a Bill brought in by Wharton, to enable electors to vote by ballot, passed the House of Commons; but being opposed in the House of Lords by Godolphin, it was thrown out. Thus, at least, we have a precedent for the adoption of the present measure; and when we reflect that but a few months have passed since the noble Lord the late advocate of an eight shillings duty on imported corn, and the right hon. Baronet the late advocate of the sliding-scale, shook hands across the table of this House and agreed that there should be no duty at all, I see no reason to despair of those two great political leaders recanting their former errors—for errors we held them to be—and, giving their united support to this measure, enable us once more to carry it through the House of Commons. Sir, it has always appeared to me, from the hearing and perusal of the debates on the ballot, that the arguments have been most remarkably on the opposite side to the majorities. When my hon. Friend the Member for Sheffield last brought forward the question, I had the honour of seconding his Motion, and then my task was comparatively easy. I endeavoured to be the humble demonstrator of his excellent lecture, and to supply, explain, and point out instances to exemplify his able arguments. One insurmountable difficulty now presents itself—the impossibility of saying anything which has not been previously said, and better said. Under this impression, then, it seems to me to be my best course —and one, I hope, which may meet with the approbation of the House—to assume, at once, that our case has been well and fully laid before the country, and instead of treating its merits theoretically, I shall rather endeavour to meet those objections which have been most recently put upon record, and which still seem to be relied on. The points insisted upon by the opponents of the measure appear to be these: they consider that secret voting would be an innovation upon the present electoral system. They deny that it would prevent bribery, while they admit it to be a remedy for intimidation. They pretend that voting by ballot does not insure secret voting. They lay stress on the unmanliness of secret voting, and on its un-English and cowardly character. They denounce the ballot box as likely to injure the due influence of property; and, lastly, they accuse secrecy in voting of having a tendency to produce lying, deceit, and immorality. With these points severally, I shall attempt to deal. Firstly, then, Sir, for innovation on our electoral system. We deny it to be so, and we assert that when the franchise became the law of the land, it was originally uncontrolled, and nobody interfered with its free exercise; but as times changed, and men grasped at political power, corruption and intimidation crept in, and forced from the poor and humble the control of their own opinions, and invested that control in the rich and powerful; therefore, when we ask for the ballot, we seek to make no innovation on the electoral system, but institute a measure for its protection and preservation—a measure strictly conservative; by granting it to the people you conserve for them a great national privilege; so at least it has been termed by Lord Chief Justice Holt:—

> "It is a great privilege," that learned authority says, "to choose such persons as are to bind a man's life and property by the laws they make—a privilege not to be deputed to another."

That great privilege, then, I would conserve to the people which they now possess only in name, and the nominal possession of which is to thousands a source of evil, replete with mortification, profligacy, and disgrace. Give the people the ballot, and you convert the franchise from a mere delusion—a *nominis umbra*—an unreal mockery, into a substantial and important right. At present, when you tell the people that they have the right to elect their representatives, like the equivocating fiend of the poet, you "keep the promise to the ear, but break it to the hope." So much for the charge of innovation on our electoral system. Next, as to the assertion that bribery will not be prevented. That point has been insisted upon, but it appears to me to be unsupported by argument. Will any man in his senses pay for an article in the way of trade, the delivery of which is uncertain? Will any man go into a shop, and for ready money purchase a bale of goods, if there were a chance that the shopkeeper, instead of sending that bale of goods home, should sell it to some other customer? Will sums of money be invested in an uncertainty? Will a market so constituted thrive? Take Yarmouth as a specimen of such a market. We have had the picture well laid before us by the late Committee sitting on the Yarmouth Election. We saw there candidates, or their agents, at a table, with bowls full of sovereigns before them; voters, walking in at one door, and being helped from those golden reservoirs, walking out by another door, having sold their votes; and they voted, doubtlessly, for value received. Now, with the unblushing, cool, profligacy of Yarmouth electors so conspicuous, would any candidate in his senses trust a Yarmouth voter's word? Or if the ballot-box were in vogue, would any speculator negotiate with such a character for his vote, when there would be no certainty of knowing how the fellow voted; whether he voted at all, whether he voted for you, his first purchaser, or, allured by more money, voted for your opponent? I hardly think the Duke of Richmond would carry on his monetary operations in such a market; or that the colossal dealer in contraband votes, Mr. Attwood, would consider Harwich, or, Lyme Regis, sufficiently certain for his speculations. Sir, there are those who assert that small constituencies would be rented by agents, who would, under the system of the ballot, make themselves answerable for the return of the Member. My reply is, without admitting or denying the fact, that if it were so, the evil would not exist in large constituencies, especially in counties; and the good achieved in the latter, would compensate for the evil in the former: indeed to make small constituencies worse than they are is scarcely possible; but, admitting the worst, the attention of the country and the Legislature would soon be attracted to the evil, and representation would in the end be more justly squared to the population. I come now, Sir, to the charge that the ballot does not insure secret voting. If it secure secrecy for clubs, why not for constituencies? Oh! but they say, in America it is well known how men vote. The hon. Member for Middlesex (Mr. Osborne) gave a complete answer to that weak argument during the debate on the Motion of the hon. Member for Montrose (Mr. Hume) on the subject of the franchise—namely, that the Americans had no motive for keeping their votes secret; to this I beg to add that as the Americans are not honoured with the law of primogeniture, nor yet blessed with the law of entail, so property is more diffused, and tyranny more scarce there than in England. Man cannot there, as he can here, trample upon the political rights of his fellow-man by dint of wealth and position. The Americans do not need the ballot—they have it; we most grievously require it—we have it not. Next, as to the unmanliness of secret voting, its un-English and cowardly nature. I think a reference to our clubs furnishes a direct answer to this; but the analogy between club practice and borough practice being denied, I crave permission to attempt to show their complete identity. Turn, then, to those splendid mansions—the club-houses of this metropolis. There are assembled valour, learning, birth, and wealth, —one and all seek protection from the ballot-box. From what do they seek protection? From ill-will, enmity, strife, nay, bloodshed, the probable results of open voting. Nobody can justly charge the members of those clubs with unmanliness. Those clubs are composed of manly Englishmen. Scores of Members of both Houses of Parliament are members of those clubs. One and all seek protection from the ballot. From whom do they seek protection? Why, from the bully, and, if I may venture to bring the character on this stage, from the Sir Lucius O'Trigger of society—a man who would consider your refusal to admit him to your society a "very pretty quarrel as it stands;" but let me ask, since there is a bully in society, is there not a bully in politics, from whom the elector has an equal right to claim protection? An equal right! a much greater right; and why? The bully of society at least meets you on equal terms; if he endangers your life, he imperils his own; he allows you fair play and equal arms. Not so with the bully of politics. He eschews equal arms, and denies you fair play. No risk does he incur, his victim records his vote, and, with it, records his ruin. The political ruffian destroys not life, but the means of life: where is the difference?

> "You take my house, when you do take the prop
> That doth sustain my house: you take my life
> When you do take the means whereby I live."

If the victim be a tradesman, let him look to the loss of custom and credit; if a tenant, let him expect ejectment; if a servant, let him hope for nothing but dismissal. I accuse you not of unmanliness in seeking the protection of the ballot; but I retort the charge upon you when you deny it to your less powerful neighbour. I next turn to the objection that the ballot-box would destroy the due influence of property. To meet that objection, with the permission of the House, I must quote the eloquent and convincing words of Mr. Grote, which it seems convenient to the opponents of the ballot to forget:—

> "Gentlemen tell me that the ballot will be fatal to what they call the legitimate influence of property. Now, Sir, I deny this assertion point blank, in any defensible meaning which the words 'legitimate influence' can be made to bear—in any meaning of the words, which a patriot or a freeman can acknowledge. I assert fearlessly, that under a system of secret voting, the legitimate influence of property will be preserved unimpaired; nay, more, that it will be even exalted beyond what it is at present. There is only one species of influence which the ballot will withdraw from a rich man: it will take away the power of rewarding or punishing electors according to the manner in which they vote. Now, Sir, I would ask, and I hope the question will be plainly answered, whether it be really this power of rewarding or punishing electors which Gentlemen mean when they talk of the legitimate influence of property? Does the House intend to recognise in any one citizen of this community, Peer, or Commoner, titled, or untitled, a legitimate authority to reward or punish electors for their votes? If we do, Sir, the sooner in all consistency we repeal our statutes against bribery, the better; the sooner we drop the farce of affecting to condemn intimidation, the better. For what is this privilege of giving to an elector a reward for his vote, in plain unvarnished English, except bribing him? and what is the privilege of punishing him for his vote, except a license of intimidation? But I, Sir, deny the position entirely. I maintain that this influence which arises from the power of rewarding or punishing voters, is repudiated both by the law and the constitution. I maintain that a man is no more warranted in employing his legal powers as a landlord for the purpose of reducing or coercing his tenants' votes, than in employing his funded property to distribute among them bribes in hard cash. It is the ancient doctrine of the constitution that elections ought to be perfectly free; and the ballot can have no other effect than that of realising this strictly constitutional end."

Now, Sir, there are very few hon. Members either in this House or on the hustings who dare assert that those gifted with wealth and station have a right to dictate to a freeborn man how he shall discharge a solemn duty dependent on his conscience, a duty which he owes to God and his country. Many believe in such a monstrous right—many vote against the ballot to preserve that assumed right; but few have the audacity to avow so unconstitutional a sentiment, and yet, as I shall presently prove, honesty in a few instances has been superior to policy, and the avowal has been made. Sir, one of the fashionable shifts or evasions, for I cannot call them arguments, used by the opponents of the ballot is, that the statements made from time to time as to the deplorable demoralisation caused by the present electoral system, are exaggerated. Sir, I will defy any hon. Member to come to such a conclusion who has read the evidence taken before the Committee which sat in 1835, for the purpose of inquiring into the state of bribery, intimidation, and corruption among the constituencies of the country. That Committee did its work admirably, and let in light and knowledge to all those who do not prefer darkness, and desire to maintain a wilful ignorance. The noble Lord the Member for London (Lord John Russell), the right hon. Baronet the Member for Ripon (Sir J. Graham), and the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith), professed to be sceptical as to the extent of the evil in 1842; and that we may not have a repetition of this evasive mode of meeting the question, I shall beg to quote, shortly, from a very clever breviate of the evidence taken in 1835, and I shall endeavour to show by certain instances that the horrible state of demoralisation proved to have existed in 1835 still exists and flourishes in 1848. All the measures you have up to the present time adopted are mere palliatives, not a radical cure for the evil. I complain that all your legislation on this subject has been addressed to the punishment of discovered bribery, not to the prevention of bribery nor to the eradication of its secret influence; and in support of this opinion, the first evidence I shall quote is, that of Alexander Edmund Cockburn. I need scarcely add, that the brilliant forensic talents of the hon. and learned Gentleman have since worthily ushered him to a seat in this House. Well, Sir, what says Mr. Cockburn in 1835? He stated then, as the result of his experience, that the public and the Legislature had no idea of the extent to which bribery at elections was carried. Being asked, whether the great difficulty in detecting bribery did not arise from the present state of the law of evidence; his reply was this—and it is a reply to all your attempts at legislation—

> "I can conceive no case except a case of actual infatuation, in which, if bribery be tolerably well managed, conviction would be possible."

Of course not, you have made the law vexatiously particular in the wrong direction; but you will find your only remedy for the evil in the uncertainty of the market which the ballot alone can achieve. I am assured that my hon. and learned Friend the Member for Southampton will, if present this evening, confirm the evidence which he gave thirteen years ago. The next evidence which I shall quote, is that of a number of most respectable witnesses, relative to the borough of Westminster. They all unite in their testimony, to this effect, that in the borough of Westminster great influence is not only exercised by the Government offices, but that individuals of rank and wealth exert their power in a despotic manner; and the evidence goes to show that fear and motives of self-interest operate even more influentially on the class of tradesmen who would be inaccessible to direct bribery, than upon a class of more humble and more venal voters. It is virtually a question of life and death to the voter and his family; and the superior class of tradesmen in Westminster are more liable to such influence than those of an inferior grade. A very considerable number did not vote at the election in 1835, while many more purposely avoided being on the register; the number of votes registered was 13,000, and of those only 4,500 voted. Such was the statement of witnesses whose evidence is past suspicion. Now, in 1837, in proportion to the register, still fewer men went to the poll; and, in 1841, Westminster was the scene of a remarkable contest. The House will remember that the general election in that year was one of great political excitement; and in Westminster immense exertions were made, particularly by the aristocracy, to return Captain Rous in support of Sir Robert Peel, at that time the leader of the protection party. The ladies on that occasion took a very conspicuous part; they turned out and worked harder than paid canvassers. I beg to give the House a specimen of their *modus operandi*. Two cases I will quote, being enabled to vouch for the accuracy of both, and selecting them from fifty others of the same description. On the day before the election, a tradesman living in the vincinity of the west end squares, had six carriages stop at his door, each, as he described it, with a coronet on the panels, from which descended parties of ladies, not to buy his goods, but to traffic with his conscience. They all canvassed him warmly for Captain Rous; there was no species of threat nor cajolery they did not employ to worry the man out of his vote. He had always voted for a Liberal: if he did so now they threatened him with loss of custom; they enumerated the strength and power of their family connexions, and alternately held out the advantage of their custom, and the disadvantage of its loss. Vote against his conscience, he would not; but they bullied him into a resolution of not voting at all. Did his neutrality save him? Far from it. I have the man's word, that four out of the six families represented by those lofty dames, entirely withdrew their custom; and he very justly estimates his loss at about 60*l.* per annum. Further, I have seen the man's books, and they fully bear out his statement. The other instance is that of a publican; and he required protection both from aristocracy and democracy. This man was canvassed by a lady of rank, who called in her carriage at his door and sent for him; the astonished Boniface made his appearance, when the following colloquy took place:—

> "I believe you serve my family with beer, and my servants are in the habit of using your house?"

The man assented.

> "Now, you shall no longer serve me; and I

> will discharge any servant who shall enter your house, unless you vote for Captain Rous."

The man pleaded his politics, which were liberal.

> "Very well, you will make your choice; but if you vote for Captain Rous, I will procure for your son a place in the Custom-house."

Whether by the threat or by the promise, or by a consideration of both, the man was won, and he voted for Captain Rous. So much for aristocratic tyranny; and now for the tyranny of democracy. It so happened that some dozen of stout political tailors held their Saturday night's orgies at this publican's house—tailors of the true Cuffey breed—tremendous fellows, all, to a man, for General Evans. One of these sons of the thimble went early to the poll, and there he detected the publican recording his vote for Captain Rous. On the Saturday following, they met as usual at their house of call; but it was to summon the delinquent landlord before them. They abused him in good set terms; told him he was a renegade; not only a publican, but a sinner—paid their reckoning, and marched out of his house, in the stern resolve never to enter it again, and promising to denounce him to the whole of their trade. Surely, surely, this man needed the ballot! Now, Sir, it seems to me that these are cases to point a moral, if not to adorn a tale. They prove the insufficiency of worldly wisdom. A few short months after this tyranny and oppression, this wear and tear of conscience, undertaken for the cause of protection, as it is called, Captain Rous turned short round—divorced himself from the cause of his fair supporters, and espoused that of free trade, following the steps of his great political chief. Well might these ladies exclaim with Burke, "What shadows we are, and what shadows we pursue!" Such was Westminster in 1841. In 1847, I can particularly speak to the state of the same borough; for it so chanced that I was chairman of a committee assembled in the west end of the town, to assist the election of the noble Lord the Member for London, and the other Liberal candidates for that city. In canvassing Westminster for the London votes, this same unvarying feature presented itself—the numbers of men who refused to vote, and the numbers who had refused to qualify to vote; and the reason continually assigned was, that they had suffered from voting according to their consciences—had grown wiser—and, having eschewed that error, would vote no more. "Give us the protection of the ballot," said they, "and we will vote readily enough; but we cannot run the chance of having our prospects blighted by asserting our political opinions." In describing the state of the franchise in Westminster, I am describing the state of all other important boroughs in England, modified according to their extent and wealth, as proved before the Committee; and without troubling the House at any great length, I assure those who are not acquainted with the evidence that such is the fact. Ipswich, Exeter, Leicester, Marylebone, Denbigh, Ripon, Bristol, and Birmingham, figured conspicuously before that Committee. In speaking of the latter city, the evidence of a Mr. Phillips was remarkable, not to say eccentric. Mr. Phillips reprobated strongly the intimidation exercised by the political unions in Birmingham, and attributed the loss of Mr. Spooner's election, in 1835, to that unconstitutional practice. Being asked whether he would not desire the protection of the ballot, he replied he was too good a Tory for that. In Ireland, which seems a land where every evil is exaggerated, corruption of all kinds appears to have flourished exceedingly. There were two magistrates of Tipperary, Messrs. Fitzgerald and Wilcox, who gave very extraordinary evidence. These gentlemen strongly reprobated the intimidation practised by the priests, while they applauded and defended intimidation by the landlords. Mr. Wilcox instanced his opinion in the following manner:—

> "I have a tenant living under me, and I am kind to him; I do every thing I can for his benefit, and the benefit of his family. I wish the honour of being a Member of Parliament—that man refuses to gratify me; and then, I think, all ties are severed between us."

And again he says—

> "I think it is the legitimate right of the landlord to have the vote of his tenant."

I have said that, occasionally, honesty, as regards the real sentiments of men, appeared to be stronger than policy—the above is a strong instance of it. But Colonel Bruen came out still stronger, as regards Carlow, and roundly asserted the right of the landlords to keep and discharge servants, or eject tenants, for not voting according to their wishes, mentioning instances in which he had himself exercised that power for the punishment of the refractory. As regards Carlow, a clergyman gave this evidence:—

> "I have often said it, and I have heard other clergymen declare, that the electors have reason to curse the day when they were invested by a reformed Legislature with the dangerous privilege of voting in Irish counties for Members to serve in Parliament. I could give instances of farmers who are now, in consequence of their votes, reduced to the condition of day labourers, and some of them are beggars."

Being asked if the majority of the people would be happy to be deprived of their franchise, he replied—

> "No; but I say the Legislature which invested them with the right, ought to grant them protection in its exercise, and that is what they desire."

Well, Sir, in 1837, the Election Committees showed no improvement in Ireland. In 1841 we found that landlords and priests vied with each other in the work of intimidation. In 1847, priestly intimidation waxed even bolder, and, crossing the Irish Channel, took its stand in our Committee-rooms. There was a strong instance of this in the Kinsale Committee-rooms, where such was the effect produced on one of the witnesses, a woman, one Bridget Keeley, by the dark and ominous glances of one Father Murphy, that the Committee took strong notice of it, and desired the counsel to keep him out of the room. Well, then, Sir, I have endeavoured to show that the state of things in 1835 has descended to 1848, and that the charge of exaggeration is but a "weak invention of the enemy;" and this brings me to the last and gravest accusation insisted upon, and recorded against the ballot, namely, that it is productive of lying, deceit, and immorality. In 1842, the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) said, that the "ballot" would convert "the habits of the electoral class into one continued lie." Before I say one word in refutation of such a charge, I am fairly entitled to inquire into the system by which the right hon. Gentleman would abide; and it is fairly open to me to draw the inference that from the horror he expresses of falsehood, the present system of open voting must afford a brilliant example of truth. Why, Sir, I will prove that the present electoral system is one vast lie composed of a ramification of deceit and delusion. The epithet proper to that system is the coarse but expressive word "humbug." We begin with it in this House. Our Sessional order in reference to the interference of Peers at elections, is a glorious specimen of humbug, and an example to candidates and electors as to the course they should pursue. Why, Sir, when we put forth that Pharisaical piece of virtue denouncing the interference of Peers, we all know that an immense majority in this House is returned by the direct intervention of Peers. We know that in boroughs candidates openly canvass Peers for their interest and assistance; and as to counties nobody thinks of canvassing the tenantry of a great hereditary estate unless through the noble owner. In the boroughs the Peer deals with the conscience of the tradesman *a là* Stamford. In counties a mere visionary must he be, who dreams of the political conscience of a tenant at will. Don't tell me of exaggeration until you have falsified the evidence taken before the Committee in 1835, backed as it is by a long train of Election Committees since. Well, but if we really are so virtuous in this House, as we solemnly assert we are, and if we really are shocked at the interference of Peers, why do we not summon one Mr. Dodd to the bar of this House for flatly contradicting us, and bringing us into contempt? Mr. Dodd was quoted the other day by my hon. Friend the Member for Middlesex (Mr. Osborne); now I beg to give you a specimen of Mr. Dodd. He begins with the Peer-ridden boroughs, and introduces them to our notice in a tabular and alphabetical form: thus under the letter A, he commences with Arundel, and states, it is under the influence of the Duke of Norfolk, and so on—then B, Buckingham, the Duke of Buckingham, and so on—then C, Calne, the Marquess of Lansdowne, and so on. Well, Sir, the upshot is, that a perusal of Mr. Dodd shows that there are sixty-two boroughs in England and Wales, containing 43,199 electors, returning ninety-eight Members, all under influence of some kind or another. Of these Members there are fifty-seven returned under the direct influence of the aristocracy, five under the influence of the Government of the day. Of these sixty-two boroughs, thirty were contested in 1837; and at the next election in 1841—one of infinitely greater political excitement—only twenty-nine were contested. In 1847, only twenty-one were contested. In all, there are forty-nine Peers, and eighteen wealthy Commoners, influencing the above returns; and the gradual decrease of contests is an index to show the futility of any independent candidate presenting himself in the face of intimidation and expenditure until you protect the franchise with the ballot. Well, Sir, with this before our eyes, what a farce—what a solemn mockery—what an insult to the country and common sense—is our Sessional order against the interference of Peers—an order by which we, to all intents and purposes, damn our character for sincerity, and set an example to those who return us of hypocrisy and deceit; and admirably do candidates follow our example. The candidate commences his canvass by soliciting votes (having first secured his forbidden Peer), as from free and independent electors, men whom he knows to be no better than mere slaves, and to compel whom to vote, he and his agents have used every costly seduction, and put every screw in force known in electioneering tactics; and when this candidate has purchased and screwed himself into a seat, he gravely turns to the bought and bullied electors, and thanks them for their free and unbiassed suffrages, by obtaining which, he assures them, he has become the proudest man in England; and when this proud man takes his seat in the House of Commons, he is sure to enact the British lion, he will oppose the ballot, and tell you that his opposition to it is founded on his love of truth, and hatred of deceit! So much for the truthfulness of your present electoral system! Well, then, Sir, one word for the want of truth charged against the ballot; and here, Sir, it would be presumptuous in me to offer one word; for if Mr. Grote's triumphant vindication of the superior truthfulness of the system of secret voting has fallen upon deaf ears, how can I hope to awaken hearing and comprehension? At all events you shall hear Mr. Grote:—

> "The ballot, we are told, will lead to false promises and false declarations on the part of voters. How or why should it produce this effect? Does it command any voter to break his promise? Does it hold out any inducement or reward for breaking his promise? No nothing of the kind—it merely enjoins him to perform the act of voting without a witness, and thus indirectly enables him to vote either according or contrary to any previous promise, without being found out, if he be inclined to do so. Certainly the same may be said of every private and solitary act of every man's life. But why are hon. Gentlemen so very much afraid lest electors who vote by ballot should break their promises the moment they are enabled to do so with impunity? Sir, it is but too well known that the promise given by a voter is in a thousand cases extorted and compulsory—it is a promise neither consonant to his own free will nor dictated by his own conviction—a promise which he would never have made—except to one who took an ungenerous advantage of him, and who possessed the power of inflicting a penalty upon him in case of refusal. We are told by Milton, that 'ease will retract vows made in pain as violent and void.' But wherever the vow has not been made in pain, wherever ease has made the vow—ease will keep it also. This, Sir, is the whole amount of the mischief of promise-breaking; and I entreat the attention of the House to it, that none but compulsory promises are in danger of being broken, when votes are given secretly. Let me now put the question—what mischief would ensue if these compulsory promises should come to be broken? A voter ought not to make such a promise if it be at variance with his own conscience. Granted —but assuming that he has been guilty of the weakness of giving such a promise, are we to arrange our system of voting for the express purpose of compelling him to keep it? To do this would be nothing less than seeking to deprive the voter, by our own act, of the means of faithfully discharging his duty to his country—a duty prior to all engagements with third parties—a duty implied in the very possession and exercise of the franchise. Why, Sir, when the choice lies, as it does in this case between breaking a wrongful promise, and violating the duty which the elector owes to his country, can there be a moment's hesitation which of the two we ought to enforce, and which we ought to condemn? We, who sit in this House, as the chosen guardians of public rights and franchises, we who derive our sole title to confidence and authority from assumed purity of election! —The intimidator begins by compelling a voter to promise, and are we then really to say, 'Because you have compelled the man to promise against his will, therefore you have acquired a good title to compel him to vote?' Sir, I say, that this would be no less monstrous in principle than inconsistent with our own professions; it would be to guarantee the last stage of tyranny, out of respect to the first. Depend upon it, Sir, if you wish to put down intimidation, you must hold a very different language towards the intimidator; you must show him plainly, that whatever be his power of extorting promises, he will not be allowed to retain the smallest power of extorting votes, and you will then prevent these compulsory promises from ever being demanded, when you show that they afford no security for performance. The evil of intimidation, the evil of mendacity, and the evil of promise-breaking, will all disappear at the same time, and before one and the simple remedy—a free, a secret vote."

Now, Sir, although it is impossible to add to Mr. Grote's argument, I may venture to offer the House an illustration of it, by quoting a case which fell under my own observation. In the election of 1841, a severe contest took place in the city of Bristol, and party ran high. I had canvassed a populous parish in company with a party of gentlemen, most of them well experienced in election tactics. I was assured that every care had been taken to sift the promises of support made to me, before an estimate of our probable numbers at the poll was made. As we were quitting the ground, we met a party of our opponents, and no acrimonious feeling existing, I fairly, in reply to their questions, told them the successful result of the day's work. To this they good-humouredly replied, "Ay, but we shall alter the best part of a hundred of your promises before the night is over." These promises the House will bear in mind, were voluntary, not compulsory; they were not "vows made in pain;" and I was curious to know how many of these promises had been made "void." After the election I inquired as to the fact, and I found that, true enough, about sixty of my promises had been changed. My friends calculated (but for the correctness of that calculation of course I do not vouch) that about twenty votes had been bought, and forty intimidated. Now, if there must be a lie in the case, I ask to whom is it best that such lie should be addressed? To the tyrannic intimidator, the base suborner, or to the fair and constitutional candidate to whom promises orginally were volunteered? Now, I contend, that the ballot in this case would be a complete remedy for the evil. Sir, as regards the immorality of the ballot, I need scarcely dwell on that charge, for it seems to me to be merged in the question of truth, and that I have attempted to deal with; but this much, with submission to the House, I will say, that although I have refrained from tracing the ballot to its existence among the Pagan nations, not having referred to the use of the "Tabella" among the Romans, nor to the secret voting of the Athenians, yet I may remark that the first election that ever took place under the Christian dispensation was an election by way of ballot, on the most impressive and awful occasion. The House will remember, that between the time of the death and ascension of Christ, a vacancy occurred in the number of the holy Apostles by the self-immolation of Judas Iscariot. On that occasion, about one hundred and twenty of the disciples of Christ met in solemn convocation to elect an Apostle. Barsabas and Matthias were the candidates, and Matthias was elected by a plurality of votes. Now, although I am far from attempting to deduce from this fact that the ballot was adopted by Divine command, yet I have a right to assert that the election I have referred to, took place under the warrant and seal of inspiration. At all events, I think on these orthodox grounds I have a right to challenge the vote the right hon. Baronet the Member for the University of Oxford (Sir Robert Inglis); and whether he vote for the Motion or not, he will hardly dispute the morality of a mode of election so instituted. Sir, I shall trespass upon the indulgence of the House but little farther. I fear I must look for the opposition of the noble Lord the Member for London; but I trust that as the measure has hitherto had the support of many Members of the present Government, so it may still be deemed an open question; and I would pray the noble Lord to reflect that education, of which he is the consistent advocate, is most dangerous in a community where there are grievances to redress. It seems to me that the improvement of the political and social condition of mankind must go hand in hand, or education alone will only cause men more severely to feel their political degradation. For myself I have the strongest feeling of respect for the noble Lord, and perfectly agree with him that reform in this country, to be safe and constitutional, must be gradual. I feel deep gratitude to the noble Lord for the advances made in civil and religious liberty under his auspices; but if there be any one subject calculated to interpose between the grateful feeling of the people and the noble Lord, and to make them oblivious of his meritorious services, it is, in this progressive age, that he should attempt to apply to the Reform Bill the hateful doctrine of finality. I believe the noble Lord has disclaimed that doctrine; but it is industriously circulated that he has not. The assumption of finality for any measure, is an assertion of its perfection; and the assertion of perfection for any sublunary measure whatever, savours of arrogance and presumption. I beg distinctly to be understood that, in laying this proposition before the House, I have in no way been induced to do so from any agitation on the subject. I am aware that the persons calling themselves Chartists, consider the ballot one of the points of their Charter. I consider the ballot disgraced by their advocacy, because I have ever found them the propagandists of violence, the enemies of reason, and the opponents of all reform but that included in their own peculiar project; at the same time I am far from asserting that there are not conscientious persons to be found amongst them. Sir, I have laid this important question before the House from the respect I entertain for the trading and industrial classes of this country, whose welfare is deeply concerned in it, and who suffer severely from the present electoral system. Will the House hesitate to take off the chains which fetter those men who have lately gone through such an ordeal? and who in the hour of need, with convulsion abroad, and sedition at home, have proved by their loyal and patriotic conduct, their deep devotion to their country—winning for their order immortal honour, and shedding fresh lustre on the land of their birth? I am not asking you to create new constituents, but I implore you to do justice to those who have sent you here. Seek no longer to oppress them—seek no longer to be their taskmaster—allow them that liberty of conscience and action which in your own instance you prize beyond life; and as the best safeguard of the Throne is to be found in the affections of the people, so will the best security for the institutions of your country be found in those bonds of gratitude which you will weave round the hearts of your fellow-countrymen by this one gracious act. I trust, Sir, then, that this House will pass the Resolution which I now move—

> "That it is expedient in the Elections for Members to serve in Parliament, that the votes of the Electors be taken by way of Ballot."

Colonel THOMPSON seconded the Motion. He said, it gave him great pleasure to follow the hon. Mover, because it removed from their side of the question the charge of being men acting in defiance of the unity which was so desirable for the country. They presented themselves as the organs of no insulated party; they felt they were marching under their proper officers, and rejoiced in the union with those who had ancestral connexions and territorial rights to pledge, as security for not engaging in anything prejudicial to the safety of society. He would take the counsel of the hon. Mover, and not go into the windings of the question. He would attach himself to one argument which had been advanced from high authority now before them; because it fell in with the experience of his life. It had been stated in opposition to the ballot, that the exercise of the franchise was a duty. With that, he and his friends would entirely close. There was no doubt of its being both a duty and a trust; but what was the inference from this in other cases? Both the hon. Mover and himself well knew, that voting as a member of a court-martial was both a duty and a trust, and therefore —he wanted an answer to that therefore —therefore it was enacted that an officer should take an oath not to disclose the vote or opinion of any member of the court; and in the case of a medical officer, in certain cases the obligation was specifically extended to not disclosing his own. The private soldier, then, if he happened to become a voter in his native borough, was to say, "Here were my officers took care to be sheltered from any ill consequences from acting honestly, while I am to be exposed to the malevolence of any powerful man who may be disposed to injure me." The great secret for making the numerous classes follow their leaders, is to impress them with a belief in the justice and openhanded fairness of those they are to follow; and either officer or civilian who breaks this rule will end by discovering the consequence. Happily at this moment there is no wide-spread quarrel between the people and their Government. It was from this reason that the celebrated 10th of April went over as it did; and in a later instance, an attempted rebellion has passed away like a morning fog, leaving no feeling in the country so strong as the hope that England would not be placed behind France in the exhibition of moderation after resistance was at an end. There is in truth no dissatisfaction with the organic forms of our Government. The monarchical principle is not objected to; on the contrary, modern events have afforded many proofs that we were better as we are. There is no jealousy of the hereditary aristocracy; on the contrary, if they would only lead the people the right way, the people would follow them in preference. He would only urge one more point. He should like to know how much any ordinary man, as for instance any ordinary Member of that House, was to gain in the aggregate by the continuance of the intimidation desired to be prevented. There might be extraordinary men who would say, I cannot afford to see my neighbour's intimidation put down, at the expense of giving up my own. But these must be rare cases; and in ninety-nine instances out of a hundred, the balance of intimidation was a thing not worth fighting for. With these views he would earnestly second the Motion.

Mr. W. FAGAN vindicated his reverend friend Dr. Murphy from the animadversions passed upon his conduct by the hon. Mover in this question. He could say that considerable exaggeration had existed as to the transactions previous to Kinsale election; and the reverend Doctor had never practised any intimidation whatever to induce the voters to vote for Mr. Watson; on the contrary, he had never spoken to them regarding the election but he earnestly took the opportunity of impressing upon them the solemn duty of avoiding all bribery and corruption.

MR. P. HOWARD begged to offer his humble tribute of applause for the ingenuity displayed by the hon. Gentleman (Mr. Berkeley) in support of his argument; but he must say at the same time that he could not depart from those great constitutional principles which had recommended to their ancestors the principle of open voting. He thought, with Grattan, that national justice could only be administered through the power of public opinion. A trust which should be exercised for the benefit of the whole community should be exercised under responsibility, and subject to the safeguard which publicity offered. Look to France for an example of the consequences of secret voting. Did that mode of voting afford a safeguard against corruption? It was not tyranny which led to the recent revolution in that country—it was the progress of corruption; and he would maintain that under the principle of open voting, the power of corruption would have been checked, owing to the appeal which could have been made to the more generous sentiments of human nature. For himself, he must say, that no man could detest more heartily than he did that system of intimidation which the hon. Gentleman had most properly held up to public reprobation; and he would assert that those persons who were guilty of such practices were the worst enemies of open voting. But although there might be some persons who acted upon such utterly unconstitutional and reprehensible principles, yet he trusted he might say that the great majority of Englishmen were not open to the accusation. As to the intimidation of tradesmen, he had reason to believe that the man who openly and steadily, and without bitterness, adhered to his opinion, seldom or ever lost a customer. He believed that persons who had displayed bitterness in upholding their opinions had suffered; but as regarded the borough (Carlisle) which he had the honour to represent, those tradesmen who openly and steadily supported their opinions were respected, and ultimately lost no customers. The hon. Gentleman concluded by expressing his opinion, that if the number of the electors was increased in the smaller boroughs, less temptation would exist to candidates to resort to unconstitutional practices. He trusted that nothing would induce the House to graft such an exotic as the ballot on the old stem of the English constitution.

COLONEL SIBTHORP was perfectly indifferent as to what might be the opinion of the noble Lord (Lord J. Russell) on this question, whether it was for or against the ballot. He was resolved to give a vote neither one way or the other. He had never advocated the ballot, and he hoped he never should have occasion to ask for any vote to be given to him in secrecy.

LORD D. STUART could bear testimony to the accuracy of the statements made by the hon. Mover as to the intimidation used in the metropolis. He had always felt, however, some apprehension that the ballot might not operate so efficaciously as its greatest admirers seemed to think. He was afraid that the ingenious devices of those who were determined to be corrupt, would be such as to evade the operation of the ballot. But when they knew how great an amount of intimidation existed, surely it was their duty to endeavour to devise some measure by which the voter might be protected.

MR. URQUHART said, that recent experience of public measures, and the character of public men, had tested the real value of past reform. If they were to go on pottering and tinkering with our institutions, raising hopes of change without effecting any practical good, but doing much harm by exciting an incessant alarm of change, the result would be that the English constitution would become a *caput mortuum.* With a reformed House of Commons, so called, they were neglecting the real business which it was the duty of the House to perform—the control of public men, and the reduction of needless public expenditure. The arguments he had heard for the ballot only established a conclusion which he had long ago entertained, that the House of Commons was very corrupt. The hon. Mover had adduced an argument for his scheme from the form of election adopted to fill up the place of the apostate Apostle; but that mode of election had merely been used because it was the custom of the Greek State of Judea; but the suffrage of the Greeks was not the suffrage of Englishmen, and it was not by such arguments that the opinions and practice of the people of this country could be regulated. He did not shrink from saying that he was so far behindhand as to adhere to the old opinion that the ballot was an un-English custom. Arguments in favour of the ballot had been drawn from social practices prevailing in this country, and reference had been made to the mode of election at the Carlton and other clubs. But it was strange that a Gentleman so well-informed as the hon. Member for the West Riding should not be aware that the practice of the ballot was fast going out in those very places, and that in the Carlton it had been quite put aside. Did not the hon. Gentleman know, that in all the clubs where the ballot had been introduced, experience had shown that it could not go on; and that the fact was that some ten or twelve gentlemen banded together did as they liked, and ruled the whole club? And was there not the experience of America to warn us, where, so far from purity of election being the result of the ballot, the reverse was the fact? The hon. Member concluded by exhorting the House not to be led away, in the face of such experience as they possessed, by vague theories of reform.

Lord J. RUSSELL: I think, Sir, it is due to the hon. Gentleman who has made this Motion, and supported it, I must add, with arguments of great ability and ingenuity, before I give my vote contrary to that Motion, to state some of the grounds which induce me to take that course. I can hardly, however, pretend to advance any novelty, because it has been my fate to speak upon this subject before. I will, however, say, and I consider that I am supported in this view by the illustration advanced by the hon. and gallant Gentleman who seconded the Motion, that this is a proposal to make the exercise of the right of voting an act in direct contradiction to the usual policy and principles which govern this our Government and constitution. That hon. and gallant Gentleman remarked that, in the case of courts-martial, the members of the tribunal take an oath not to reveal the opinions and votes which they among themselves may give. It has, no doubt, been thought requisite for the due management of courts-martial, and for the preservation of military discipline, to introduce that rule in the proceedings of those courts. But it is a special rule, affecting those military bodies only, and is at variance with that general rule which governs our institutions; and it was introduced, as I imagine, for purposes special to the discipline of the Army and Navy of this country. I do not deny that such a provision may be right, and may be necessary for the purpose of maintaining military discipline—for the purpose of insuring military obedience—and for the purpose of insuring a due subordination to military authority. But what I say is this—I do not stand here for the purpose of introducing into the general practice of our constitution those special rules which are necessary for purposes of military discipline and subordination, but which are not necessary to preserve the open and free spirit of English institutions. And looking, therefore, to the example of that open and free spirit, I do not find that there is any instance in our political institutions in which secrecy is made the rule. In the first place, you have trials in our courts of law; and it is thought advisable, nay, it is thought necessary, for the due administration of justice, that your courts of law should be open; the witnesses appear, and they give their testimony in public; the Judge delivers his opinion in public, before the court—before the assembled people—with reporters present to take down everything he says; and if the jury do sometimes deliberate in secret, yet their votes must be publicly known, because their finding must be the unanimous verdict of twelve men. Therefore in courts of justice publicity is the rule. I can understand, indeed, that an argument might be used, running somewhat in this manner; and if you introduce your principle of secrecy into the right of voting, I do not know but such an argument would have its force and effect—that it would be better that juries should not be subject to intimidation in the discharge of their duties; that the Judge, to give full opportunity for deciding justly and impartially, should not become obnoxious to public censure; and that, therefore, trials at law should be secret. That might be an argument fairly used; but it would be an argument, as I conceive, opposed entirely to the genius and spirit of our institutions. Then, when our representatives deliberate in this place, although at one time it was thought that this House ought not to permit the presence of strangers; and although for a long period of years strangers were not admitted, and the deliberations of this House were only partially and imperfectly known; yet, as the spirit of freedom gained ground, and as our institutions became more popular, it was asserted and insisted upon, and finally obtained, that the deliberations of this and the other House of Parliament should be public. And, again, it was not until comparatively lately known, unless by private memoranda and notes that might be taken by individual Members, what were the votes of particular Members upon the subjects decided upon in this House. But an hon. Friend of mine thought it advisable to propose that the votes of every Member of this House should be known, and, to that end, should be regularly taken down by the officers of the House, and printed with the Votes; and after some struggling my hon. Friend succeeded in his attempt, so that the votes of every man, upon every subject, are now known to the whole country. So, again, in this example, it is an argument that might be used that the proceedings in this House would be more fairly and impartially conducted, and that Members would have a better opportunity of consulting their own consciences and free judgments, if they were not exposed to that public animadversion and that imputation upon motives which are the consequences of their votes being publicly known. But, notwithstanding any such argument, you have decided, and, as I believe, rightly decided, that publicity shall be the rule of your voting, and that it is far better than secrecy; that every man should be able to stand up and defend his vote—that he shall not deny any vote—but that he shall give it publicly and openly according to his opinions. Then I say that what is now proposed is at variance with the governing spirit of our constitution. The popular spirit of our institutions is that all these deeds, that the exercise of every political trust, shall be carried on in the face of the country and in the face of day. But now you say that there shall be an exception, and that that exception shall be with regard to the constituent body of the people. The hon. Gentleman who brought forward this Motion makes no proposal for any alteration in the number of electors; he leaves the state of the representation open to the charge made by the hon. Gentleman near him (Mr. Hume), that only one in seven of the adult male population has the right of voting. Therefore the hon. Mover proposes to place in the power of this proportion of the community—this one-seventh of the adult male population—the power of electing Members of Parliament uncontrolled by any knowledge of their proceedings, by any exercise whatsoever of public opinion; and completely (if the object could be effected, and I will deal with that point afterwards) in secret. So this one-seventh of the adult male population of the kingdom is to be endowed with what the constitution of Venice enjoyed, a secret and despotic power over all the affairs of the realm. Because, be it observed that the electors of this country are ultimate judges with respect to any political changes that may be made, or any political measures that may be adopted. Whatever may be the wishes of the Crown, or whatever may be the opinions of the House of Lords, such are the powers vested in this House, that if the Crown, having no resource but to dissolve Parliament, were to appeal to the great body of electors, and that great body of electors were to send representatives to this House in favour of a particular change, or of a particular measure, there is, so long as the House of Commons retains the whole power of the supplies, and holds the purse of the nation in their hands, no force in the constitution that I am aware of which can resist the will of the electors as expressed by a large and decided majority of those elected by them in Parliament. But if this power be great—if it be in fact the ultimate and supreme power of deciding upon the destinies of this country—so much the more, I think, should you be cautious as to the manner in which that power is exercised; and while you say that everything else shall be open and public—a distinguishing feature of our modern free constitution from any of the institutions of ancient republics—while you say this, so much the more should you be cautious how you make a change by which this supreme and despotic power shall be exercised in secret, without any public opinion to review it, and according to the mere will and caprice of those in whose hands it is vested. In democratic States I can understand that they may say the only thing to be done is to ascertain which is the majority, and if they choose to exercise the power of so doing in secret, then they should have that privilege. But such is not the nature of your present constitution. It is that very circumstance—imputed by the hon. Member for Montrose as a fault to your institutions—that it is only a select body, a portion of the people of this country, who possess the elective franchise, which renders that franchise a trust reposed in them which they are bound to exercise for the benefit of the whole community.

How, then, can that trust be exercised in a manner most conducive to the good of that community? I say it will be exercised best if votes are given publicly—if a man is obliged to give his name, and say openly whether he votes for the one side or the other, and is obliged to stand by his act. At the same time I do not deny that there is great force in some of the objections which have been urged by the hon. Gentleman with great address. He has laid great stress upon the intimidation and corruption which occur under our present mode of voting. There are undoubtedly great defects; but at the same time it would not be for the sake of defects or on account of abuses that I would surrender a great principle—that principle being one, moreover, which I consider an essential and a vital principle in the constitution. The hon. and gallant Member says that, in a certain case at Bristol, he had a great many promises made to him, and that his opponents said they would turn 100 of the votes the other way, and that they did turn 50 of them, some by corruption, and some by intimidation. Well, no doubt that was a very great loss to the hon. and gallant Member, and it was very disgraceful to those who were concerned in the transaction. But the question is whether, supposing, in order to stop those abuses, we are determined to try this new method of voting, and sacrificing all the advantages of the present system, by a certain mechanism, contrived by some ingenious carpenter, who should make a kind of box for voting by ballot, we should thereby secure completely the benefit of purity. I do not believe that practically you would obtain that object. I believe that, by some means or other, persons would be able to turn the votes of electors, and the hon. and gallant Member would still find that those who had promised him their votes would vote against him. I do not think it follows, as is argued by the advocates of the ballot, that those men who had received a certain sum of money, and who had for that money promised their votes to somebody, would, under the system of the ballot, vote against the person from whom they had received, or expected to receive, that sum of money. I believe, as, according to the old proverb, "There is honour amongst thieves," that the same principle of honour holds amongst men who are bribed, and that if they have received 5*l.* or 10*l.* to vote a certain way, they will behave handsomely, as they term it, and will vote for that party. But, generally, my belief is, that there is no contrivance or ingenious method of taking votes by which you can change the habits of the people. This is not a theory, I believe it is a fact. I do not believe that a man who has been corrupted would say, "I am a blue," or "I am a yellow," or any other colour which is the symbol of party, or "I am a Whig" or "a strong Tory," and thus endeavour to deceive every body, to keep the favour of his landlord or his customer, and then change at the moment of voting, and give his vote in direct contradiction. I do not think that this is the English character, and that is the meaning of those persons who say that the vote by ballot is un-English." I do not think that it is part of the English character, in the midst of the excitement of an election, and the talk of the market-place—I do not think it is the English character, in the midst of all this, for a man to profess what he does not feel, and, after making declarations of the course he intended to pursue, to vote in direct contradiction to it; and I believe that if persons took the pains to find out the vote which was given, it would always be discovered, and never could be disguised; and, therefore, there would be always some kind of intimidation, or some kind of influence, used at elections; so that I believe, that whilst you would sacrifice a good principle, by resorting to secrecy, you would not obtain the object you sought; that in spite of all this concealment and all this ambiguity, there would be some means found of attaining the same result; that there would be the same influence, the same corruption, and the same intimidation, as at present. I know that it was the opinion of Lord Spencer (who voted for the ballot, believing that, if the people wished for the ballot, they ought to have it), that the result of elections under the ballot would be the same as now. But if the result would be the same, surely this is no sufficient ground for adopting such a change in our institutions. But I think that those who advise the adoption of the ballot as a judicious change in our institutions, ought to show us some instance in some other country in which the ballot has been in use, and has proved beneficial; they ought to adduce some kind of example and precedent to guide us. Now, I am not aware of any such example in ancient history, nor any writer of good atuhority, in favour of the ballot. It is unnecessary, and would be pedantic, to cite passages, and none could be cited which has not been referred to in previous discussions. The representative system of Venice has been cited as an example; but there was a series of elections in which the choice was by ballot—five or six different elections—a body choosing 45, and 45 choosing 9, and 9 choosing 15, so that nobody should know how his vote could bear upon the ultimate election. But this was a case of extreme secrecy, and of an extreme aristocratic despotism. In the case of France, the example of the ballot is not calculated to encourage any one to adopt that system of voting. There is, again, the example of the ballot combined with universal suffrage in the United States of America; but no one who understands the effect of this mode of voting in the United States of America, can have any doubt that it is attended with corruption, and influence, and treating, and a most disgraceful system of combination, which places power in the hands of a few persons. I have heard of a little set of seven men controlling the votes of 40,000 or 50,000 persons; and I am aware of nothing in the example of the United States of America which should induce me to think that we should make a good change by adopting their system. An hon. Gentleman behind me referred one day to the practice of the clubs of London, and charitable and other institutions, and he referred particularly to the Carlton Club. The hon. Gentleman who spoke last has denied that the ballot is practised in the Carlton Club. But whatever the fact may be, I hold that the two examples of choosing representatives and electing members of clubs are entirely different. In a club, consisting of 200 or 300 persons, when a member is elected, the question is not whether he shall be the sole representative of the club, or whether he or another shall represent the club; but whether he be a companion with whom the club would like to associate, and with whose conversation they would be likely to be pleased; and whether or not, for these reasons, he should be chosen a member of the club. Now, in the first place, it is not a very great distinction to be chosen as one of such a society of 300 or 400 persons; and, on the other hand, it is not very agreeable to the feelings of gentlemen to vote openly on such an occasion as that against an individual, and to say they do not choose to associate with him. But the case of an election of a Member of Parliament is an entirely different case. In that case, every voter is to choose between two persons of one side of political principles, and two on the other—I assume that there are four candidates—the question is not, as in the other case, whether the voter would like to associate with them as joint members of a club, but whether they are proper persons to represent his political opinions in Parliament. It is a thing very well understood, that a voter at an election will say to a candidate who canvasses him, "You are a person for whom I have a great respect, but I have promised my vote to your opponent; you and I have always been on the best terms together, and I have no personal acquaintance with your opponent; but I know his political opinions, and they are mine, whilst yours are the reverse of mine; he will represent my sentiments on political subjects, and therefore I will give him my vote, and not you." No man would take offence at this; and therefore it is not like the case of a member of a club; it is a matter of public duty and public trust to be exercised in the great councils of the country. I hold that the cases are not at all parallel. The hon. and gallant Member has told us of an example of a sacred kind in the choice of an Apostle. I need only refer to this example in order to observe that I believe it was not a question in which a choice was made by a majority and a minority, but of two persons one was chosen by lot as being a mode of interpreting the will of Heaven. Upon the whole subject I differ from the hon. Gentleman in his proposition. His proposition is not to move for leave to bring in a Bill, and to go through the various stages of the Bill, and to establish by law a new mode of voting for Members of Parliament, but that a resolution should be passed saying that such a change is expedient. But the change can only be made by a law assented to by Parliament; and I think, therefore, that it is very inexpedient to pass such a resolution, introducing a particular mode of voting, whilst at the same time the hon. Member has not proposed any Bill, which should pass through its various stages, by which such a change is to be effected. That change must be effected by a Bill, which would have to be discussed upon its second reading, when the House would decide whether they would agree to the change. The hon. Gentleman's proposal to enter upon the journals a resolution that it is expedient that the voting for the election of Members of Parliament should be by ballot, is not very consistent with the usage of Parliament, and can be attended with no public advantage. If the hon. Member follows his resolution up by a Bill, I should oppose that Bill, considering that the change would be injurious and not advantageous to the community. It would be a change by which we should profess to depart from that openness and publicity which forms a part of our institutions, and to adopt secrecy in the discharge of one of the most important functions of our civil polity. It would, moreover, be a change which would, I think, utterly fail in its effect, for you could not by a mere rule of law make so great a change in the open, manly, and unreserved habits of the people of this country. But I do not think the change would be merely nugatory. I think if you adopt this scheme, and find it fail, discovering that corruption still prevailed, and intimidation was rife, I think it would be said that the change had failed because it had not been accompanied by other changes, and that it would be necessary to adopt other changes as a complement to this. Then it is admitted that the change of voting by ballot would not alone be sufficient. If such is the case, I think it far better that we should have such a proposition as that of the hon. Member for Montrose, and I am not one who finds fault with the mode in which that hon. Member introduced his Motion. The hon. Member for Montrose said, let there be a change in the franchise, and let there be vote by ballot. If such be the understanding, you should have all the changes proposed at once before you. I beg Gentlemen who are about to vote in favour of this Motion to look at the changes which are now avowed; that this change is only with a view of producing other changes; but what those changes are, and what their character—whether household suffrage or universal suffrage—I do not know. Noticing this avowal, I conclude the few observations I have offered to the House by advising the House not to adopt the proposition as it stands, but to vote against it.

Mr. COBDEN reminded the noble Lord that when Mr. Hume brought forward his Motion, he was censured for including so many changes in it. The noble Lord now found fault with the ballot because it was calculated to give to one-seventh of the people the power of the Venetian oligarchy; but were those who wished to extend the suffrage beyond the seventh of the population to be answered by that argument? He viewed the question of the ballot with less interest than he did twelve years ago. Had it been adopted at that time it would have done much to put an end to that corruption in the boroughs and subserviency in the counties which they had now to deplore; but it was now too late to remedy the evil, excepting by an infusion of new blood into the constituency. He believed the ballot was the best mode of taking votes in this or any country; and he should vote for the question by itself as he had done when it was proposed in connexion with others, because he believed a large portion of the electors were favourable to it. The question must be on its last legs when no better answer could be advanced against it than that which they had heard from the noble Lord. The noble Lord began by saying that secret voting was contrary to the open and free constitution of the country. It was true the mode of election was open; but would the noble Lord tell him it was free? The noble Lord had referred to the practice in the courts, and had quoted the case of the jury giving their verdict in open court; but that was an unfortunate analogy, for though the jury must be unanimous when it convicted, it was not necessary that it should be so when it did not, nor were the votes of each juror published. Then, as to the grand jury, which was the first tribunal, that was altogether a secret tribunal. In Scotland, too, when the verdict depended on the majority, there was no publicity of the votes of the jurors. He denied that the judge who tried, or the witnesses who gave evidence, ever incurred obloquy, as the noble Lord had inferred, on account of the judgment and evidence given in a court of law; but no class of voters was free from the obloquy which open voting brought on the electors. Still less was the noble Lord happy in the analogy he had drawn from the proceedings of that House. The Members of that House were sent there to perform, by delegation, certain duties for their constituents, and they were held responsible for their acts; or why were they subject to periodical election? And how were the constituencies to form a judgment upon them if they did not know what they had done? But were the electors responsible to non-electors? If they were, then the non-electors must be competent to judge of the way in which the trust was exercised; and this was an argument for extending the franchise to them. But the fact was they were responsible not to the non-electors, but to the Marquesses of Exeter and the patrons of the boroughs. The noble Lord appeared to forget the theory of the constitution he lauded so much. The theory was, that every freeman and householder should be entitled to vote. The noble Lord argued that with the ballot we could not maintain our institutions, and then he went on to show that the ballot would effect but little change. Then where was the great objection? It came back to this, that the effect would not be merely negative, but that it would create a demand for the extension of the suffrage. The hon. Gentleman referred to the case of the East India Company, where the election of the Directors who governed 100,000,000 of men was taken by the ballot. With regard to foreign countries, the ballot was adopted in almost all Continental countries where the representative system of government prevailed; but he would not admit the analogy of countries fifty years behind our own in habits of self-government. If an analogy was to be drawn, he would take the New England States, and he would ask what had been the result of the ballot there? In every one of those States it had been adopted, and was in full force. He denied that corruption prevailed at the elections in the United States. There was but little chance of corruption in a country where universal suffrage was the rule—wages were high, land cheap, fortunes were nearly equal, and the emoluments of the Government low. The hon. Gentleman referred to the cases of Carlisle and Stafford as showing the necessity for the ballot in this country; and, referring to the speech of Mr. Urquhart, said he had at all events redeemed the pledge he said he had given to his constituents, that he would be in Parliament unlike all other Members. So honestly had the hon. Gentleman carried out his promise of agreeing with nobody, that he ought to be elected free of expense the next time he offered himself as a candidate. But it was not so much for the boroughs as the counties that he wished to see the ballot in operation. It was a question of vital importance to the county constituencies, for he believed if they possessed the ballot they would send some of the best representatives that the country could afford to that House. How many contests for counties had there been at the last election? That was a good test of the independence of the county voters; for if they found in counties with 5,000 or 6,000 or 7,000 nominal electors on the list that there was no contest in nine-tenths of them, they might make up their minds that the election was settled by six or seven gentlemen sitting at a comfortable fireside. Indeed, Lord Stanley, with that frankness which distinguished his character, told them that the election was a question of acres, and that they had only to find out the politics of the great proprietors to ascertain the person to be elected. If county Members would only tell the House what they knew from their own experience of county elections, what tales would they not hear! In 1835, the noble Lord at the head of the Government stated that when he was a candidate for Devonshire, some of his own committee, who had promised him their votes, were obliged to vote against him. He had seen at the election for Lancashire in 1837 persons in the Ormskirk district coming up to vote with blue ribbons, who at the previous election marched up in yellow colours. In 1841 the colour was probably changed again, if the property had changed hands in the interim. The farmers were marched up like so many cattle decked for the shambles. He wanted to see the farmer class in this country men of more character, dignity, and self-respect than they ever could be under so degrading a practice. It was for the sake of the counties, therefore, in particular, that he wished to see the ballot carried into effect. He did not believe that the ballot could be carried alone now; but he found in the arguments adduced against it additional reasons for the changes proposed by his hon. Friend the Member for Montrose. He was glad that the hon. Member for Bristol had brought the subject of the ballot before the House, because it answered the cavils brought against the Motion of his hon. Friend. The decision of the House, if adverse to the Motion of the hon. Member for Bristol, would add one to that catalogue of decisions during this Session, which showed the want of harmony between the legislation of that House and the opinions of the great body of the people; and would tend, amongst other things which they now witnessed, to bring about that change in the representation which the noble Lord so much deprecated, but which he thought would be for the interest of the country, and absolutely necessary to enable them to get out of that dead lock in legislation to which the present system had brought them.

Mr. HENLEY had heard a good many speeches from the hon. Gentleman who spoke last, and never had heard one which more surprised him than the address just delivered. The hon. Member's course had lately been somewhat eccentric, and lacked the steadiness which formerly belonged to his character. The hon. Gentleman seemed altogether to forget the principles of the constitution, though he had been reminded of them by the noble Lord, who remembered them much better. He thought it was for the hon. Gentleman and his Friends to show the advantages that were to accrue to the country from the use of the ballot, so opposed as it was to the constitution and habits of the people of this country; but the hon. Gentleman had not done that, and had passed very lightly over the continent of Europe. The statements, however, which the hon. Member previously made, were to the effect, that there would be no disturbances, trouble, or discontent in the countries of the Continent. [Mr. Cobden: I said nothing of the kind.] The hon. Gentleman at least mentioned France. He had told the House that the ballot was to be found in every constitutional country of the world; but he had not explained the advantages to be derived from that institution. In Russia, perhaps, he would say that it had been productive of the best effects; and if hereafter we should have the benefits of a very liberal Government, England might probably suffer under a tyranny as severe as any that prevailed in Russia. The hon. Member went to America, and though he said he was not a republican, yet he enlarged upon the great advantages to be derived from a republican form of government. The hon. Member did not attempt to show the House any one single advantage which America derived from the use of the ballot. The noble Lord said that there was a good deal of corruption in America, and the hon. Gentleman denied that statement; but it was for the House to decide which party was likely to be the better informed on that matter. The hon. Member, referring to the small salaries of the President and other official persons in the United States, did not say, but wished it to be inferred, that where this was the case there could not be much bribery; but the hon. Member might have recollected, what had certainly been publicly stated—how truly he could not say—that there was more chaffering of offices, and more sweeping away of all public officers, down to the very doorkeepers, in America, on every change of government, than in any other country; and that had an effect in influencing men's minds as well as bribery. It was not because there might be some allegations of a few cases of intimidation that the country should be called on to make a great change in its constitution, unless the advocates of the change could demonstrate that great public benefit would be the result. The hon. Member said, that it was not at all for the boroughs but for the counties that he wanted this change. It was most natural, on the one hand, that the hon. Member should make this attack on the county constituencies; and on the other, most barefaced, because a public society with which the hon. Member was supposed to be intimately connected, if he was not its founder, had been occupied for many years in creating what in common parlance were called faggot votes—that was, votes made for a special political purpose. He (Mr. Henley) supposed that a good hold was kept upon all these votes; and therefore it was rather strange that the hon. Member should get up and assail with sweeping and degrading charges the whole of the county constituencies. Men who were base enough to coerce and bribe, would, if the ballot were established, not be found wanting in the means of discovering how parties might have voted; and thus they would still retain the power of coercing the voters. The ballot, so far from giving security to any person, would only spread corruption wider without affording the means of discovering it, and would deprive the House of instituting any scrutiny into corrupt proceedings at elections.

Mr. MUNTZ agreed that if voting by ballot should not be really secret voting, a great deal of mischief would be the result; but he was satisfied that it could be made secret, and that it would produce much benefit. The noble Lord said that the supporters of the ballot were bound to show where it had worked well. Now, he (Mr. Muntz) was prepared to say that it worked well in the Netherlands, to the satisfaction of all classes and interests. What cause was there to prevent that which was well done in the Netherlands from being well done in this country? The ballot was said to be un-English. What was meant by that? He was as open and as English as any man in his dealings; but still he should not think it necessary to publish all his transactions in the market-place. It was not reasonable or wise to expose the whole truth at all times. It was said, too, that the ballot was against the spirit of the constitution. What was meant by that? The constitution was really the laws of the country as they existed for the time being; but the constitution was altered every week and every day by that House. He protested, then, against the constitution being made the peg on which to hang objections against all improvements that might be proposed. He could state that in Birmingham, out of 7,000 electors there were 1,000 who now declined to exercise the franchise, on the ground that their pecuniary interests had suffered in consequence of the votes they had given on former occasions. In his opinion every elector should have an opportunity of voting without any other person knowing how he had voted; and he would therefore give his support to the Motion of the hon. Member for Bristol.

Mr. PAGE WOOD considered this to be one of the most important Motions that had been submitted to the House during the present Session. The noble Lord at the head of the Government had said that the principle of the constitution had always been open voting; and he had observed that if the Motion of the hon. Member for Bristol were adopted, a new principle would be introduced. Before the passing of the Reform Bill, it was of very little consequence what the principle of voting was; but since the adoption of that measure, by which Parliament declared that they would place confidence in the mass of the people, it was only right that they should protect the people in the exercise of their privileges. He thought the House would feel, on looking to the events which had lately occurred in Europe, that they could no longer delay a decision upon this question, "Are you disposed to trust the people, or are you not disposed to trust them?" He could scarcely believe that the statement of the advantages of an open style of voting had been seriously made. Were the drunken voters who walked noisily to the poll with music and flags the real constituency of England? No; the real constituency of England consisted of those electors who had been trained to self-government in vestries and municipal corporations, and who exercised their privileges quietly and deliberately; and these were the persons whom he wished to protect in the free expression of their opinions. He alluded to the middle classes—take, for instance, the shopkeepers of towns. He represented a city (Oxford) where the influence exercised upon those classes had been most grievously felt; and it was notorious that a similar influence had been largely exercised in the town in which the sister university was situated. He had regretted to hear the noble Lord, in speaking of the evil influences of secret voting, ask whether they were to trust this great and irresponsible power to the will and caprice of electors who voted in secret? He (Mr. Wood) considered that the term "caprice" was one which ought not to be applied to those to whom Parliament had entrusted the franchise. The absence of responsibility in the electors had been referred to; but to whom were they to be responsible? It had been said they were responsible to the non-electors. This argument could be proved to be fallacious by a simple dilemma. Were those non-electors capable of forming and expressing an opinion or not? He presumed the House considered that they were not, because they were excluded from voting. What, then, was the sort of influence they were to exercise? It would be only the influence of democracy in its most brutal form, and from such influence the voter would be protected by the ballot; but if the non-electors were persons the weight of whose opinions ought to be brought to bear upon the electors, surely they were persons who ought themselves at once to be called forth as an additional body of electors. The real influences which were now brought to bear upon the electors were, first, the influence of bribery and corruption; and, next, the influence of intimidation, which affected not only shopkeepers, but also a large and numerous class of tenantry. He held in his hand the report of the Committee which had been appointed to inquire into the case of the borough of Stamford; and although that Committee stated that none of the charges relating to the Marquess of Exeter's direct interference at the time of the last election had been proved, and that no facts had been proved beyond the ejectment of tenants in 1830 and 1847, yet he was glad to find that the Committee had come to the conclusion that, looking at the fact of one-third of the constituency being tenants of the Marquess of Exeter, and to the fact that fourteen ejectments had been served upon tenants in 1830, and sixteen in 1847, an undue influence had thereby been made to operate upon the constituency. But if there was this influence upon the whole constituency, what must have been the influence over that one-third? The question, after all, came to this, whether the constituency were to be trusted? He would say, trust the people of England; be straightforward with them; put your whole case before them; have no reserve; and you have nothing to fear in regard to the overthrow of Government. What an instance we had of their rallying round the cause of order on the 10th of April! In France, the Assembly elected by ballot even upon a universal suffrage, was favourable to the restoration of order. Where the people were free, it was of no use attempting to govern them except by persuading them that you were in the right, and honest in desiring their welfare. Let the noble Lord throw himself upon the whole people of England in the same gallant and hearty manner in which he threw himself upon the constituency of London.

Mr. NAPIER agreed that the true way to deal with the people of England was to be frank with them, and fair and above-board: they were a generous, open, manly, independent people, and therefore worthy of being entrusted with an open franchise to be openly exercised. But their virtues were derived from their conduct being always public. They were frank because they had open voting. The hon. Member for the West Riding (Mr. Cobden) had alluded to America; he (Mr. Napier) had found that hon. Member a bad prophet, a bad historian, and apparently his allusions to the present time were bad also. He had in his hand a pamphlet in which it was stated that "Old John Randolph, the American orator," being asked one day whether the ballot prevailed in Virginia, answered, that he scarcely believed they had such a fool as to propose it; that it would make a nation scoundrels if it did not find them so. The English constitution knew no such thing as an Englishman discharging a public trust or duty in a secret manner known only to himself. In the case of juries, which had been alluded to, each man knew his fellow's mind, and the world knew the opinion of all. Could it be pretended that there were no public duties that we were bound to discharge under the constitution, which it might be inconvenient and injurious to our private interest to discharge? Why not, at this rate, shut up all the avenues by which the proceedings of the House became public? Why not have vote by ballot in the House? It might save a man from the frown of the Minister. But in that House men acted under the influence—the genial influence—of public opinion; and when the hon. and learned Member would have the noble Lord throw himself upon the people, he but meant that he should harmonise his proceedings with sound public opinion. The vote by ballot was inconsistent with the British constitution.

Mr. C. P. VILLIERS would trouble the House with only one or two remarks, in consequence of the speech of the hon. and learned Gentleman the Member for the University of Dublin; who seemed to think, as well as his Friends around him, that he had answered and disposed of the very able and impressive speech just delivered by the hon. Member for the city of Oxford (Mr. Wood). He (Mr. Villiers) could not allow that impression to go forth. The hon. and learned Gentleman (Mr. Napier) said, that when the Member for Oxford described the people of this country as frank, spirited, and independent, that he had put himself out of court, as this character, according to his (Mr. Napier's) judgment, had been formed under the institutions and mode of acting directly opposed to the spirit and purpose of the proposition before the House. Now he (Mr. Villiers) agreed entirely in those qualities which had been ascribed to the people of this country. He agreed that they were spirited and independent; but that had shown themselves so, by precisely doing before what they were now doing, in calling upon this House to pass this measure, or some equally effective for its object. It was just because the people of this country, when they became conscious of some great evil or abuse, that they neither tamely submitted to it, nor helplessly believed it to be incurable, that they had earned the character the hon. Gentleman had given them. They were now fully aware of the extent to which bribery and intimidation were carried on at the elections, and that no remedy had been devised for the evil; they will now not endure it longer; and they do, as they have ever done before, insist upon the known and proved abuse being abated. They believe, moreover, that this is the remedy, and that it is effective in other cases where men would otherwise abuse the power which open voting confers upon them. Now, then, for what the hon. and learned Member considers, no doubt, were his conclusive replies to the arguments opposed to him. His (Mr. Villiers') hon. Friend the Member for the West

Riding, had alluded to those States in America, where the ballot was in force—where slavery did not exist—and where those lived who represented our people in race and habit more than in other States; and showed that it answered well, that the people were at least satisfied with it, that nobody had ever thought of abolishing it; and the hon. Member thinks he gives a sufficient reply to that example, by quoting Mr. Randolph's opinion against the ballot, who was speaking of his own State, namely, Virginia, where slavery had always existed, and where the slaveholders constituted an oligarchy, and were extremely tenacious of their power; in fact, showing that wherever a system that was unjust, immoral, or inhuman, was to be maintained, there the rich people felt the inconvenience of the ballot, and wanted more complete control over the will and the vote of those under and about them by open voting. Then the hon. and learned Gentleman, by a singular confusion, objects to the unfairness of any reference to the jury system, and contends that the circumstances are by no means similar; but the hon. Gentleman was not aware that no friend of the ballot had referred to the jury system, where people do not decide matters by ballot, but that the noble Lord the Member for London had mentioned it as one of those instances where men acted well without this protection of the ballot; and my hon. Friend the Member for the West Riding himself complained of the reference, contending that it was not a parallel case; and this really was the sum of the hon. and learned Member's speech, which seems to have pleased his friends so much ; and he (Mr. Villiers) thought that something rather more satisfactory in the way of argument was required to shake the excellent speech of the Member for Oxford. The fact was, nobody denied that the tendency, if not the effect entirely, of the ballot was to stop bribery, intimidation, and the expense at elections—nobody avowed that these evils ought to continue, and all professed their eagerness, and many were actually propounding measures of another kind, at this moment, to stop them. The argument, then, founded on the incompetency of the voters to judge of public questions, or decide on the fittest candidates, was not in place here ; for that was an argument for leaving things as they were, and not attempting to check by any means those corrupt influences which prevented the exercise of an honest or unbiassed judgment. But when they were told not to adopt the ballot, because it would make the constitution more democratic, that was assuming that the ballot, as a mechanical contrivance, would succeed in enabling the voter to exercise his privilege as he thought best. But if the fallacy of this objection was obvious, then it was attempted to resist the ballot on the totally opposite ground, namely, that it would not be quite successful; and it was then admitted that open voting was an evil, that serious evils followed if a man's vote was known; but that the ballot was not the way to protect him. Then this objection was supported by showing that by some ingenious device, or some system of social torture, the truth would be screwed out of a voter, and thereby an approximation would be made to that objectionable system that exists at present, and that, if a man's vote was once known, he would be exposed to all the evils which tyranny or coercion could inflict upon him. Now, he (Mr. Villiers) could not help thinking that the best way, after all, of resisting the ballot, would be the candid one, and fairly to state that of course it would be more effective for its purpose than any other scheme known; but that at present, as the hon. Member for the city of Oxford, said, Gentlemen opposed to it were afraid of the unbiassed judgment of the electors. Now, he did not deny that opinions had been broached out of doors of late, that might give a colour of reason to this objection, and people might think that it was important to leave to property all the influence of whatever kind which it could obtain; but he firmly believed that wild doctrines, such as he referred to, were only honestly or dishonestly entertained by a very small number of people, and that if they appeared to prevail among large numbers assembled together, it was owing to men being under the influence of fear, or from sympathy with those around them, and that if left to their independent judgment, they would not approve of or act upon them. However, he (Mr. Villiers) knew well that people of property were supposed to be much more conservative than people who were without property. [*Laughter.*] Hon. Gentlemen who laughed, however, ought to be ready to show, that the real advantage that follow from that would not equally attend the system that was proposed, as the present one. His hon. Friend the Mover, had applied himself to this point, in order to show that property, always respected in this country, always exercising its influence upon men's minds, would have all that was valuable in that influence, under the ballot; and he had quoted an eloquent passage from one of Mr. Grote's speeches on this subject, to show that the natural and legitimate influence of property would not be affected by the change; and, on the contrary, would then be no longer confounded with the corrupt and improper use of it which occurred at present. There would doubtless be this material difference, that whereas a candidate now, however ignorant, corrupt, or unprincipled himself, can if he have only property enough feel pretty sure of his return to Parliament; he (Mr. Villiers) verily believed, that under the ballot, though the man of property would be preferred, yet that without character, and without some previous reputation, he would never feel sure of success; and probably these latter qualifications in the candidate, would, in general, be insisted upon; and he (Mr. Villiers), for one, could not see the great mischief of that. In fact, he believed that one of the greatest changes effected by the ballot would be that upon the candidate, and thereby upon the Member of this House; and he knew no more important consideration: at present, when a man entered the field as a candidate, he knew that the votes were to be given openly, and if he had property or great territorial influence, or any of the accidents of fortune in his favour, that he could pretty surely rely upon becoming a Member of this House. Now, he (Mr. Villiers) did not hesitate to say that if the electors were known to give their votes freely, and without immediate hope or fear from so giving them, that this would not be the case. A candidate would feel this before he presented himself to a constituency, and would be under the necessity of being able to point to his previous character or reputation to insure his election. And this would not only strike a man when he felt the desire at the moment to be returned, but would operate upon him early in life, at least upon those who were born to station and wealth. A seat in the Legislature is generally desired by persons of influence in this country; and it would be felt to be amongst the conditions of obtaining that position that a candidate must deserve the esteem of his fellow-citizens. Now, he did not hesitate to say, that under the present system that was not the impression which prevailed; but that if a man inherited property, or acquired property himself, that one of its advantages, in his mind, was, that whenever he chose it, he could, in some way owing to that circumstance, get into Parliament; and he said that this arose from an impression that there was always some constituency, independently of other circumstances, to be bought or coerced into giving a man of fortune a seat. Now, he asked, if a man thought that the Legislature was more respectably or usefully composed from this circumstance; or whether it would not be for the advantage of the aggregate body, if intellect and character were allowed to enter more into the consideration of those who had to choose the Members, than it had at present? He firmly believed that there was no prepossession in the minds of men for a bad man, and against a good man, nor in such a country as this was there any difficulty in discovering what a man who put himself forward was; he believed, therefore, that if men acted as they liked, in the great majority of cases they would prefer the good man to the bad one; and that it would be therefore perfectly safe to rest it on no higher ground than doing what they preferred, to leave to a community like theirs the free and unbiassed choice of their representatives. They must remember, also, that though the argument is generally against coercion from above, and by men of wealth and station, yet there was another influence to which the hon. Mover had already referred, and that came from below: there was such a thing as terror from actual violence, or indeed tyranny very like that which is used now by greater people, in coercing tradesmen to vote as their customers directed. This was not an influence less likely to be manifested in future than it had been, but perhaps the contrary: the lesson had been taught—he believed it would be extensively acted upon. There was another advantage resulting from making candidates more dependent upon the good opinion of the people, and that was that it gave people of wealth the greatest possible inducement to educate the people; and there was a great want of some influence of that kind. The people were much neglected, and, in many respects, in a degraded state; and there was a great want of something to excite the upper and wealthy classes to make greater efforts for the education and instruction of those who were lower than themselves in the social scale. It was right that the wealthy classes should feel there was some danger if they did not apply themselves to the instruction of their poorer brethren; and they would not feel this danger as they ought to do unless the ballot were adopted. At all events it must be admitted that what occurs now in the choice of Members was degrading to Parliament; and further, that those practices that had been so often pointed to as so pernicious and objectionable, never were carried to a greater extent than they were at the last election; and he asked if it was right that the House should separate without one effort being made to check or prevent them. He believed that this House could not leave the evil untouched in the present day, without losing its weight and authority in the country—than which he knew no greater evil; and when he considered how the system threw the Legislature into the hands of the extremely rich, or those who made everything depend upon rousing and exciting the passions and prejudices of the people, he could not but regard it as extremely unsafe. The present expense of obtaining and maintaining a seat, consequent upon open voting, was such that no man of limited means could really aspire to a seat, unless the circumstances were very peculiar. He had not overlooked the old arguments in favour of the present system, which he knew were plausible enough: such as, that under the present system the majority of the House were men of property, and that under no system can the country be so safely governed, as when the people of property are dominant; and, after all, that the ballot, if it did not produce evil, could only promise them a result of which they were already at present assured of. But, he contended, that the men of property obtained their seats, now, under a system that demoralised the people, and that shook altogether the confidence of the people in the morality or superior character of persons who pretended to legislate for the country. There was an inconsistency in men who had spent their thousands in corrupting or debauching sections of the community, coming to this House and pretending great solicitude for the religion and morals of the people. It was not trusted, and people smiled when the piety, or honesty, or benevolence of this House was in question. It was well known that the way in which a man spends his 3,000*l.* or 5,000*l.* in getting into this House was in corrupting and demoralising so many families in a constituency: by asking some—for a bribe—to break faith with somebody; or threatening others with ruin if they voted as their conscience directed them. It was known, moreover, that by degrees, and after many contests, a borough became criminal in its general character where these practices prevail; and he had heard it observed, that at the assizes the worst characters usually came from some of the borough towns; and he knew that the morals of some places that used to send Members to that House, had been greatly improved since they had been disfranchised. He said, then, that they were paying too high a price for men of property alone to sit in that House, if that was to be attained only by vice and crime; and he believed that under the ballot Members as conservative, and higher in the important qualifications for legislators, would be returned. He was not there to contend that the ballot was a perfect system; and he was ready to admit that he wished they could dispense with it, and that any means equally effectual could be devised; but as he knew of no other so likely to succeed in checking the vices and evils of the present system, and believing that they ought not, after the disclosures of this year, to part without proposing some change, he cordially gave his vote for the Resolution of his hon. Friend.

Mr. H. BERKELEY replied. The noble Lord had objected that this was not a Bill, but a resolution. Now, he (Mr. H. Berkeley) only wished to obtain the assent of the noble Lord to a resolution; for, if he could do that, he had no doubt that a Bill would soon follow. He had observed the working of the ballot in America, and he must confess he had never known of any thing like intimidation, or had heard of any thing like a bribe in that country.

The House divided:—Ayes 86; Noes 81: Majority 5.

List of the Ayes.

Adair, R. A. S.
Anderson, A.
Barnard, E. G.
Berkeley, hon. C. F.
Bernal, R.
Bouverie, hon. E. P.
Bowring, Dr.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Clay, J.
Clay, Sir W.
Cobden, R.
Collins, W.
Dawson, hon. T. V.
Devereux, J. T.
Divett, E.
Duncan, G.
Dundas, Adm.
Evans, Sir De L.
Fagan, W.
Fox, W. J.
Gibson, rt. hon. T. M.
Glyn, G. C.
Greene, J.
Grenfell, C. W.
Hastie, A.
Headlam, T. E.
Henry, A.
Heywood, J.
Hill, Lord M.
Hobhouse, T. B.
Hodges, T. L.
Hume, J.
Humphery, Ald.
Kershaw, J.

Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Mangles, R. D.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Mowatt, F.
Muntz, G. F.
Norreys, Sir D. J.
Nugent, Lord
O'Brien, T.
Ogle, S. C. H.
Osborne, R.
Paget, Lord A.
Paget, Lord C.
Pearson, C.
Pechell, Capt.
Peto, S. M.
Pigott, F.
Pilkington, J.
Power, Dr.
Raphael, A.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Robartes, T. J. A.
Romilly, Sir J.
Salwey, Col.
Smith, J. A.
Smith, J. B.
Spearman, H. J.
Stuart, Lord D.
Tancred, H. W.
Tenison, E. K.
Thompson, G.
Thornely, T.
Townshend, Capt.
Tynte, Col.
Villiers, hon. C.
Wakley, T.
Ward, H. G.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Wilson, M.
Wood, W. P.

TELLERS.
Berkeley, hon. H. F.
Thompson, Col.

List of the NOES.

Anstey, T. C.
Arkwright, G.
Ashley, Lord
Baldwin, C. B.
Bentinck, Lord G.
Birch, Sir T. B.
Bourke, R. S.
Bowles, Adm.
Broadley, H.
Buller, Sir J. Y.
Burrell, Sir C. M.
Carew, W. P. H.
Chaplin, W. J.
Codrington, Sir W.
Coles, H. B.
Corry, rt. hon. H. L.
Courtenay, Lord
Cowper, hon. W. F.
Cubitt, W.
Denison, J. E.
Dodd, G.
Duncuft, J.
Dunne, F. P.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Elliot, hon. J. E.
Ferguson, Sir R. A.
FitzGerald, W. R. S.
FitzPatrick, rt. hn. J. W.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Goddard, A. L.
Granby, Marq. of
Grey, R. W.
Hall, Col.
Hamilton, G. A.
Heald, J.
Heathcote, G. J.
Hildyard, T. B. T.
Hobhouse, rt. hon. Sir J.
Hood, Sir A.
Hotham, Lord
Howard, P. H.
Howard, Sir R.
Jones, Capt.
Lacy, H. C.
Law, hon. C. E.
Legh, G. C.
Lockhart, W.
Lowther, hon. Col.
Masterman, J.
Maunsell, T. P.
Moody, C. A.
Morgan, O.
Morpeth, Visct.
Noel, hon. G. J.
Palmer, R.
Palmerston, Visct.
Patten, J. W.
Plowden, W. H. C.
Price, Sir R.
Repton, G. W. J.
Rumbold, C. E.
Russell, Lord J.
Sandars, G.
Scott, hon. F.
Seymour, Lord
Shelburne, Earl of
Smith, rt. hon. R. V.
Somerset, Capt.
Stuart, H. G.
Urquhart, D.
Waddington, H. S.
Wellesley, Lord C.
Wood, rt. hon. Sir C.

TELLERS.
Henley, J. W.
Napier, J.

Adjourned at Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, August 9, 1848.

MINUTES.] PUBLIC BILLS.—1° Toleration Act Amendment.

2° Bankruptcy; Provident Associations Fraud Prevention.

Reported.—Stock in Trade Exemption.

3° and passed:—London (City) Small Debts; Churches; Proclamations on Fines (Court of Common Pleas); Poor Law Union Charges (No. 2).

PETITIONS PRESENTED. By Mr. Wilson Patten, from Inhabitants of Matterdale, Cumberland, for a Better Observance of the Lord's Day.—By Mr. Cardwell, from Landowners, and Others, of Silverdale, Lancashire, against the Highways Bill.—By Lord Robert Grosvenor, from the Metropolitan Sewage Manure Company, for an Alteration of the Metropolitan Commissions of Sewers Bill.—By Mr. Corry, from the Board of Guardians of the Omagh Union, and by Mr. Morgan John O'Connell, from the Ratepayers of Ennistymon Union, in the County of Clare, for Inquiry into the Working of the Poor Law (Ireland).—By Mr. Bouverie, from the Parochial Board of Port-Glasgow, against the Registering Births, &c. (Scotland) Bill.—By Mr. Brotherton, from Ratepayers of the Township of Birtle-cum-Bamford, Lancashire, for an Alteration of the Law of Settlement.—From the Board of Guardians of the Poor of the Stafford Union, for Repeal of the Law respecting Audit of Union Accounts.

PIRACY BILL.

House in Committee; but on the Bill being objected to, Mr. M'Gregor withdrew it.

House resumed.

BANKRUPTCY BILL.

MR. BOUVERIE moved the Second Reading, observing that, at this period of the Session, he could not expect to pass such a measure, and he should not therefore press it beyond the present stage. Not less than 18,000,000*l.* a year was lost by bad debts, and a great proportion of that loss was to be attributed to the defective state of the bankruptcy and insolvent law. The great and leading defect of that law was, that no real line of demarcation was drawn betwixt the honest and the dishonest bankrupt. When a bankrupt had been fraudulent, and had lost that property which ought to have been divided amongst his creditors, and, often not till then, he came to the Bankruptcy Court to be relieved from his debts. For that evil this Bill professed to provide a remedy. The Bill contained a consolidation of no less than seventeen Acts of Parliament, which had passed in the course of the last twenty-three years. He hoped the Government would take this subject up next Session; and, if they did not, it would be his duty to bring it forward again at an early period of the Session.

Bill read a second time; to be committed that day three months.

SUPPLY—NAVY ESTIMATES.

House in a Committee of Supply.

MR. WARD after referring with much approbation to the proceedings of the Select Committee on the Navy Estimates, said, as the best mode of dealing with the subject more immediately under discussion, he should propose to take the report of the Committee in hand, and to state to the House what were the recommendations in that document which the Admiralty agreed with, what were those it dissented from, and what were those which it wished to modify. Before, however, entering on that branch of the subject, the House would allow him to remind them of the situation in which the Navy Estimates now were. Discussions which had already taken place on the subject, had, he thought, cleared away much debateable matter, particularly as to the amount of force for the present year. When it was recollected that that question had been discussed and decided by one of the greatest majorities ever heard of in Parliament, he hoped that there would be no cause seen for going over the ground again, or for questioning the propriety of the House providing victuals and wages for the number of men so decided upon. His right hon. Friend the Chancellor of the Exchequer had already informed the House that the amount of the reduction made from the original estimates was about 200,000*l.*; that reduction would be effected under Vote 8, for dockyard wages; Vote 10, for Navy contracts; Vote 11, for new works; and under Votes 13, 14, 15, 16, and 19, the latter being for the support of the Bombay navy—the total reductions which they proposed to make amounted to 208,000*l.* This arrangement left the estimates in this position—that instead of an increase in the amount required for this year, and that granted last year, of 216,000*l*,, as appeared in the original estimates to be demanded, there would be an actual decrease of 43,000*l.* in the net amount to be voted for 1848-49, as compared to the net amount voted for 1847-48. So much for the general amount of the estimates. Now as to economy in the administration of the Navy—the Committee admitted that economy did not entirely depend on the number of men fixed on for the service of the year. The first recommendation come to by the Committee was a revision of the forces on the home and foreign stations. There were seven foreign and five home stations. The amount of force employed in the Navy for the present year, had, for instance, been decided by a vote of the House; and the hon. Member for Montrose would admit that it was of no utility now to go over the same ground again. Under the Votes 1, 2, 8, 10, 11, 13, 14, 15, 16, and 18 of the estimates, there was a saving of 200,000*l.* The reduction on Vote 1, was in the wages of seamen and marines; that in No. 2, was in provisions for the Navy; that in No. 3, was in the Admiralty Office; that under No. 8, was in the wages of men and artificers employed in dockyards; that in No. 10, was on Navy contracts for stores; that in No. 11, was in new works, improvements, and repairs; that in No. 13, was on the miscellaneous items; and that on Nos, 14, 15, 16, was on the half-pay and retired allowance of officers' pensions and allowances; that on No. 18, was freight on account of the Home Department. The total amount of reduction proposed to be made for the year was 208,000*l.*, which left the estimates in this position. The increase of the present year over the last was 214,644*l.* on the gross votes. The sum proposed to be reduced, namely, 208,000*l.*, deducted from this, brought down the increase of the estimates this year over the last to 6,644*l.* If the net votes were taken, however, it would be found that there was a reduction of 43,000*l*, on the estimates of 1848-49, as compared with those of 1847-48. The Committee stated—

> "The expenditure for the effective services of the Army, Navy, and Ordnance, must, in a great measure, depend upon the amount of force which the advisers of the Crown may consider necessary. A satisfactory decision upon this subject could only be formed after a careful and deliberate survey of the position of the country in regard to its internal resources, its external interests, the state of its foreign relations, its political obligations, and the maintenance and fulfilment of all the various rights and duties which belong to the extensive and long-established dominion of the British empire."

The Admiralty concurred in that opinion. They admitted, upon the whole, the statement of the Committee in page 13, though they did not admit all the facts on which it was founded, when the report alleged—

> "That, whatever cause might have led to the increase of force upon any particular station, when once the force had been augmented, there was too frequently some unfortunate hindrance to its subsequent reduction;"—

and that—

> "When the enemy was defeated, and hostilities were at an end, other duties were found for the ships employed, and the force which was required for the contingency of a war remained as the permanent establishment in time of peace."

There was no doubt that duties for ships of war grew with the means for performing them. Every diplomatic agent asked for a ship of war, in case of any disturbance when ships were in his neighbourhood, and it was exceedingly difficult to break through the custom that had obtained of granting assistance in such cases. The principal foreign naval stations were the Pacific, the Indian Seas, and the Cape of Good Hope. On all these stations, however, the amount of the naval force of the country had been considerably diminished this year. For instance, in the East Indies and China, where there were, in 1843, no less than thirty-six ships of war, there were now only twenty-five. The number of ships on this station was, in—

1844 ...	26 ships	1846 ...	25 ships
1845 ...	22 „	1847 ...	28 „

Of those now afloat in these waters, none were ordered home. In the Pacific, there were, in—

1845 ...	14 ships	1847 ...	16 ships
1846 ...	15 „	1848 ...	12 „

There were at this moment only seven, and two surveying vessels, in that quarter. At the Cape of Good Hope, the numbers were—

1847 ...	11 ships	1848 ...	10 ships

The *Rosamond* and *Devastation* were ordered home. He had been instructed by the Board of Admiralty to say that they had no objection to the recommendations of the Committee that there should be a general revision of the naval stations before fixing the votes for next year; and they were willing to inquire, in the spirit indicated by the Committee, and with a due regard to all those great interests upon which these votes ought to depend, how far it was possible to effect a reduction either in the number or the size of the ships employed. He came then to Votes No. 1 and 2, on which the Committee dwelt at considerable length. The first recommendation upon No. 1 was, that the two bases of that vote ought to be restored. The Admiralty agreed with the Committee that it was desirable to restore the two bases of that vote, and to adopt Sir James Graham's plan of ascertaining the number of ships actually in commission on the 1st of January in each year, and the actual number of men employed on board of them, and upon that to apply for the vote of the coming year, as the only means of arriving at a sound conclusion as to the probable expenditure. If that basis had been adopted this year, there would have been a difference of nearly 60,000*l.* in the estimates. The Committee pointed out that much of the excess of the Navy estimates, No. 1, had arisen from the custom of having more men on board than were actually voted by Parliament. That proposition was undeniable. After giving some details of the number of men employed in excess, at different periods, and subsequently paid off, the hon. Gentleman said, as the Committee stated, there was, on the 1st of March, 1848, the old excess of 4,146 men more than had been voted. In June, that excess was reduced to 3,900; in July, to 2,812; and on the 7th of August it amounted to 2,477. As the best precaution for keeping the number of men on board strictly within the Parliamentary vote, the Committee made a perfectly legitimate recommendation, namely, that the monthly excess should be reported to Parliament, with the estimates for the ensuing year. The Committee observed that not only was Vote No. 1 affected by this irregularity, but that Vote No. 2 was also equally affected in the same degree; and, therefore, the report proposed the same remedy. On the supplementary grant of 30,000*l.* in Vote No. 1, for the purpose of ameliorating the condition of petty officers and able seamen, the report expressed no opinion. The Admiralty had endeavoured to give effect to the wish of the House and the country that our gallant seamen should be better provided for; and their plan was to assimilate the system of rewards in the Navy to the good-service warrant in the Army. He, therefore, implored the House, for the sake of the public service, not to withhold its consent to this grant. He agreed with the Committee that no extra clerks should be permitted without the sanction of the Treasury, and that the principle of extra pay, which was even of a more demoralising tendency, should be regulated in the same way. Another item of increase was the salary of the second secretary, Captain Hamilton. After a full investigation of this subject, and a clear understanding that the salary three years ago was fixed under a misapprehension, the Admiralty had stated the circumstances of the case in a letter to the Treasury, and the Treasury at once sanctioned an addition of 500*l.* a year to the salary. He came next to the Vote No. 5, which referred to the scientific branch of the public service. The increase in this vote was divided into two parts, the one permanent, the other temporary. The temporary part had reference to the Arctic expedition. That had not been heard of since its departure. He felt certain that the House would unanimously be of opinion that they would only consult the interests of humanity and justice by doing everything that could be done for the relief of the missing expedition. Every precaution had been taken, so that at whatever point of the coast Sir John Franklin might touch, he would there find immediate relief. That was the temporary addition to the vote. The permanent addition was for the surveying department. The Committee had observed that a railway and harbour department was now attached to the Board of Admiralty. The Board of Admiralty were aware of the inconvenience of the inquiries connected with these subjects being carried on by three separate departments, and they had been in communication with his right hon. Friend the President of the Board of Trade, inquiring how they could consolidate the inquiries in one department. He then came to the two most important votes, namely, 7 and 8, which comprised the amounts paid in salaries in the dockyards. The importance of properly investigating this subject could not be overrated, and the Committee had bestowed a very large portion of their attention upon it. The Committee, at page 49, made some remarks on the duty of the superintendents in dockyards, in every syllable of which he entirely concurred. It pointed out that the required work in the establishments being performed with diligence and economy, depended in a great measure on the vigilance, assiduity, and zeal of the superintendents; for, unless they exerted themselves, enormous waste of labour and materials must take place. The Committee, therefore, recommended that such appointments should not be considered as honorary rewards, but given to men perfectly competent to discharge the duty. In that he entirely concurred. It was the determination of the Board of Admiralty never to bestow those appointments on men who were not fully competent to undertake such situations, because no care or watchfulness on the part of the Admiralty could supply any want of activity or energy on the spot. Allusion was made in the report to the subject of work being done by contract; and the Committee did him the honour to refer to his opinion on the subject. No reduction could ever be obtained by transferring shipbuilding from the public to private yards. A great stimulus had been given to the men, by the improved system of promotion which had been applied in all the dockyards; and he believed that if the plan were properly administered and persevered in, and honestly crried out, they would live to see a vast improvement, and as much talent and industry in the naval dockyards as in any private establishment in the kingdom. The Committee recommended that building should be regulated according to the exigencies of the country; and made a comparison between the Navy of past times and the Navy of the present, which he thought had hardly been carried to its proper extent. The decrease which had taken place in some of the first-class ships was most extraordinary. In 1814, there were 199 line-of-battle ships. In 1825, there were 117; in 1835, 97; and in 1848, only 47; three of which had been launched during the present year. Many line-of-battle ships had been converted into hulks and lazarettos, and various other purposes; and at present there were not fifty available line-of-battle ships for service. On the other side they had a large fleet of steamers. He thought the House would be of opinion that the very least amount of building for future years was that which was recommended by Lord Auckland. He recommended that three line-of-battle ships should be launched each year; that in addition, from twelve to fifteen ships should be on the stocks ready for launching, and that the timber for twelve to fifteen new ships should be placed under cover. In the year 1830, the establishment in the dockyards was fixed by an Order in Council at 6,000 men. That was before the introduction of steam, and, in his humble judgment, was much too low, and the consequence was, that it did not last a single year. Before the year was over, the system of extra men was introduced, more labourers were employed, and the system had been growing with the growing wants of the country from that time to the present. The Committee recommended that the establishment should be thoroughly revised, and that no extra men should be employed without a report to Parliament, and the sanction of the Treasury; and in that he entirely acquiesced. Another portion of the Committee's remarks had reference to the steam factories, and whether it would not be judicious to reduce them. He could not agree with the Committee that the manufacture of steam-boilers ought to be discontinued in the dockyards. The rivets and plates of which the boilers were made, were not made in the dockyards. The only work that was done in the dockyards was to put the boilers together. If boilers were built by contract, as suggested, it would not be following out the principle of economy to build them at Birmingham, and then have to remove such heavy bodies by railway to the dockyards. The hon. Member referred to several more recommendations of the Committee on matters of detail, and then continued. The Committee stated, that a large expense of timber would be necessary for the creation of our steam navy; but they hoped a large reduction would be made on this head. He should not be dealing fairly with the House if he did not say that he did not think any large reduction could be looked for. It must be recollected that Lord Auckland said we ought to build three line-of-battle ships every year. Now, these three line-of-battle ships yearly would require 18,000 loads of timber. That was not a vote, however, in which he could hope to effect any very great saving. The Committee also expressed a hope that a large reduction would be made in the item of steam machinery in the course of the ensuing year. The Government stated that they would effect a reduction of 180,000*l.*, and he did not think that they could go further. Vote No. 11 was the last vote of any importance connected with the Navy, upon which he should have to make any remarks. It was the vote relating to new works, and it had given rise to long inquiries in the Committee, and occasioned great difference of opinion. The Committee said, this was a vote to be judged, not by a comparison with the estimates of former years, but with reference to the expediency of the works proposed, and it then went on to inquire whether those new works were indispensably necessary; and whether precautions were taken for due economy in their execution. He had no hesitation in saying that all the works conducted by the Admiralty department were indispensable. It was impossible to keep the country in an efficient and proper state, with regard to her coast defences, without such works as were then being carried on at Portsmouth, Chatham, Woolwich, &c. Certainly, if more time for reflection and preparation had been taken—if they had been planned ten years since—there would have been more system in their operation, and greater economy in their execution. The hon. Gentleman defended the proceedings in regard to the steam factory establishment at Woolwich, and the sawing establishment. The next item in the report of the Committee referred to the basin at Devenport. That was begun ten years ago; but since that time great alterations had taken place in the plan. There was great difference of opinion—in fact, a sort of local feud had been created about it—so that it had been found that it was impossible to arrive at the best plan amidst the conflicting allegations which were made. With regard to the works at Keyham, the report had it in contemplation that the factory and establishment should be on the same scale as that of Woolwich, and the machinery of which would be on the same scale as to the cost, 50,000*l.* The great object would be to build these factories on a scale which would permit of a sudden extension of their operation in case of any sudden demand or war. If there were not accommodation for constructing on immediate pressure, they would be nearly useless. The Committee said, if these works were now proposed for the first time, they would have no hesitation in recommending Parliament to withhold its sanction from this outlay of the public money; but considering the works executed at Portsmouth and Woolwich, they proceeded to observe that the question was very different, now that 400,000*l.* had been already sunk there, and that it would be the height of folly and extravagance to suspend these works, and refuse to complete them. On a division only two Members of the Committee were found to recommend that the 400,000*l.* should be disregarded and thrown away. The Board were willing to act on the report of the Committee, so far as to suspend proceeding with the Keyham buildings during the present year. The subject was full of difficulties, for the Board was bound by engagement with the contractor, Mr. Baker, to an expenditure of 250,000*l.* during the present year, and it was only by his consent that they had succeeded in reducing it to 130,000*l.* The Committee recommended that the sum of 20,000*l.*, proposed in the estimates for the barracks at Forton should not be granted during the present year; but in that he could not at all concur. The old marine barracks at Portsmouth were in a state that would have rendered a very large expenditure for repairs necessary in a few years; whilst, by a small additional expense, the new marine barracks would form one of the finest establishments in the country. The works were actually now in progress, and the greatest inconvenience to the public service would arise from their stoppage. There was another recommendation, with respect to the establishment at Bermuda, with which they could not comply. They could not limit themselves to the employment there of no labour but convict labour, for it would be impossible to complete with convict labour alone the storehouses that were now on the point of completion. Another general recommendation by the Committee, that they should begin no new works, unless with the sanction of the Treasury to the undertaking, the Board were perfectly ready to adopt. On the subject of the coast-guard, the expense of training which was to be reduced from 16,000*l.* to 5,000*l.*, he might observe that experience had shown of how great importance were the arrangements that had been made for organising it as a naval reserve, and that they would be of the highest utility to the public service. An instance had occurred last week which showed the fine spirit animating that class of men. It was found necessary to send reinforcements to Ireland, and 350 men of the coast-guard volunteered last week to proceed to that country. It was found that instead of any indisposition to resume the active duties of their profession, there was only one man in the whole coast-guard who stood on what he called his rights, and said he did not like to be employed at sea. He came now to the question on which he was afraid the Committee and the Admiralty were most decidedly and irreparably at issue—that relating to promotion. The Committee had proposed that the Admiral's list, which was fixed a few years ago at 150, should be reduced permanently to 100, by promoting only one captain for every three death vacancies, and stopping promotion to a corresponding degree in every other rank. This decision was come to in the Committee by a bare majority, and he believed did not ultimately receive the sanction of the Member who first proposed it. The Committee stated that it entertained a deep interest and regard for the feelings of those gallant officers engaged in the Navy; in fact it was impossible to show more delicacy of feeling than that shown by the Committee in consulting on a matter affecting the interests of those gallant officers, but which they thought might be altered with greater advantage to the public. The Government did not contend for the necessity of having an admirals' list of 150; they would be glad of a list of 100 instead. And it was quite true that the whole number was not required, as they never had that number employed in their greatest naval wars. It was equally true, however, that the condition on which a man went into the Navy was that he should rise to a flag in due course of promotion, and not be cheated out of it; and he had a double right at present to form those expectations, as the whole question of retirement in the Navy had been twice under the consideration of the House during the last four years; and it was twice settled, by the assent of two Governments, without a division in the House of Commons. The present system had been proposed and carried for the express purpose of offering an honourable retirement to those captains whose age was too great to enable them to remain in effective service, and to whom their country offered the rank of retired rear-admiral, instead of retaining them on the active list. The House of Commons voted 30,000*l.* yearly for that purpose; and what would be the effect of the recommendation of the Committee? It would throw back every man three years, and its operation was such that they would cheat themselves of the very consideration they expected with regard to the 30,000*l.*, for they were bound to pay it for the lives of the men already promoted. By the present system they would in the course of a year have admirals of fifty-five and fifty-four years of age, instead of men of the age of seventy and upwards; and he entreated the House to continue the grant, and to pause before it committed an act injurious to the service, and unjust to the officers. The only part of the recommendation in which the Admiralty did concur was the limitation of first entries. They agreed that the limitation of first entries was the keystone to all substantial economy. He must also remind the House that the half-pay lists of the Army and Navy were differently arranged. The Navy had not that resource which was possessed by the Army of disposing of their commissions by purchase. If they looked at the payments now made to general officers and senior captains, they would find in the Army that the pay of the general officers and colonels of regiments amounted in the whole to 154,000*l.* The half-pay of general officers unattached was 76,000*l.*, making together 230,000*l.* The half-pay to lieutenant colonels and colonels being 83,600*l.*, made a payment to generals and colonels in the Army of 313,600*l.* The total amount of full and half-pay of admirals and flag officers in the Navy was 232,504*l.*; so that this was not an overpaid profession. It was indeed one in which those few great prizes were looked to by those gallant officers who entered the service. Then another recommendation of the Committee was the freight of ships for the conveyance of convicts, or the services performed in the packet service that should not appear in the Navy Estimates, but be made matter of account elsewhere. At present the public saw 1,000,000*l.* charged in the Navy Estimates, and it was now considered that that had nothing to do with the naval service. The Government admitted that it would be desirable to adopt this suggestion. He had now gone through the recommendations of the Committee, which, taking them large and small, amounted to thirty-three. Of these the Admiralty were willing to adopt twenty-nine, and he thought he had given good reasons when they thought it their duty to dissent from the suggestions of the Committee. He had now only to state to the House that he believed the Navy was in a most efficient state; that all our foreign stations were adequately provided for; and at home we had a large force, which, however, was not larger than was required. Last week there was reason to believe that an additional naval force might be required in Ireland. On the 27th of July orders were given at the Admiralty at one o'clock for the immediate equipment of four vessels of the steam reserve. On the 28th of July at ten o'clock in the morning, two of these vessels were on their way to Spithead, manned, armed, provisioned, and furnished with everything except their gunpowder; they took in their powder at three in the afternoon; they sailed an hour afterwards to Devonport, where they took in the 35th Regiment, and they landed that regiment on the 30th in Dublin. That was an instance of the manner in which our steam reserve would enable us to bring the whole power of the empire to bear on any particular point. He thought, after stating that the Admiralty were ready to adopt twenty-nine out of the thirty-three recommendations of the Committee, he need not give another pledge of the earnest desire of the Admiralty to carry out every legitimate economy; but in stating the desire to pursue economy, he did not propose, nor did he wish the Committee to imgine, that the Government would do anything to cripple or impair our most legitimate sources of power in case of foreign aggression. The Admiralty wished to be prepared with ample means, not with a view to purposes of hostility to any party, but to resist aggression from whatever quarter it might come. The hon. Gentleman concluded by moving that a sum of 293,560*l.* be granted to Her Majesty to complete what may be necessary for the cost of wages to seamen and marines, now in course of payment.

Mr. HUME thought the sum of 208,000*l.*, the retrenchment of which they had recommended, might have been saved before the appointment of the Committee. The object which the Committee had in view, throughout their long and arduous investigation, was to find out what mischief had taken place through mismanagement or want of system, and to show what course ought to be adopted in order to remedy the evils which had thus arisen. The Committee had discovered mismanagement in many quarters; and had ascertained, beyond all question, that during the last fifty years there had been a most lavish and extravagant expenditure of the public money in the construction of ships for the Navy. The Admiralty had admitted the necessity of a change; and had even promised that there should be henceforward an additional check on the expenditure of money, which was in itself a great point to be relied on for the future. But in other respects how was the country to benefit by the exertions of the Committee? Would the Government curtail the expenses of the Naval Establishment generally? The hon. Gentleman the Secretary for the Admiralty had assured the House that the Navy was at present in a highly efficient state. He had never known any Secretary for the Admiralty to rise in that House and make a different statement. He entirely concurred with the hon. Gentleman in thinking that the Navy ought not to be crippled or impaired; but the grand questions to be considered were—first, what was the aggregate amount necessary in order to sustain the service in efficiency? and, secondly, was that aggregate amount fairly and properly apportioned? At an early period of the present Session, when it was proposed that the number of men in the British Navy should be 43,000, he moved as an Amendment that it should be 36,000, which would have been 11,000 more than in former years, when the Navy was declared to be quite as efficient as they were led to suppose it was at the present day; but he regretted to say that out of a House of 380 Members, he could only find 38 to support it. Every other country in Europe had its hands as full of business as they could possibly be. Every other country was so busily engaged with its own affairs that it was not in the nature of things that for many years to come they could meddle with the affairs of England; and such being the state of Europe, was this, he asked, a fitting time to ask for more money, in order to increase the Naval Establishment? There was no necessity for such a measure, and as it would only tend to aggravate the pressure of taxation on the people, he, for one, should not hesitate to protest against it. The number of men now in employment was 43,000, and the cost of their maintenance was 7,961,000*l.*, being an increase in the years 1847-48, and 1849, of no less a sum than 3,517,000*l.* Such an enormous naval force was wholly uncalled for. All the Committee could do was to state in general terms the general principles on which the various departments ought to be conducted. It rested with the Government, and with the Government alone, to carry out those principles, and to adopt such improvements as the circumstances of each case might appear to demand. In the year 1838 Sir George Cockburn was asked what force would be sufficient to guard our commercial interests in the Navy? He replied, four ships—one large frigate and three small—"but," he added, "I do not give that evidence in allusion to the political considerations. I merely speak of what would be necessary to protect our commercial interests." A return now upon the table of the House showed that in 1841, at the time of the unfortunate Syrian war, there were 51 pennants in the Mediterranean, and that they were manned by 17,500 men. Would it be believed that in the year 1793, under the Premiership of Mr. Pitt, the total naval force of Great Britain—sailors and marines—did not exceed 16,000? They kept 28 ships on the western coast of Africa, and Government had exhibited no willingness to withdraw them, although it had been repeatedly demonstrated that so far from any good being effected by their presence there, evil and mischief were the result. In the year 1847, no less than 43 ships were engaged in that Quixotic enterprise, 11 at the Cape, and 32 along the coast. Unless the House resolved to interfere, and stop the supplies, he very much feared that the evil would continue for an indefinite period. He now came to the item of half-pay. The hon. Gentleman the Secretary for the Admiralty had declared that he would never consent to any reduction in the number of admirals. He trusted that the hon. Gentleman would afford him (Mr. Hume) an opportunity of taking the sense of the House on the point. He was resolved to put it to the House, in the name of common sense, whether it would give its assent to the maintenance of a permanent staff of more than one hundred admirals at a period when they could not find employment for more than thirteen? The reasons given by the hon. Gentleman for the continuance of such an anomaly were most unsatisfactory and inconclusive. He said that a number of young men were coming up in the service, and that they, one and all, looked to the flag as an object of professional ambition. But what a state would society be in if every barrister could claim to be made a Lord Chancellor, and every clergyman demand to be made a bishop? And yet the principle was just the same. The hon. Gentleman had instituted a comparison between the two services—the naval and the military. He should have borne in mind, however, that the Army was, numerically speaking, four times as strong as the Navy. However, he was very far from saying that abuses did not exist in the military service, as well as in the naval, though not, perhaps, to quite the same extent. On the contrary, he admitted that the people had just as much right to complain of the superfluous number of generals and staff-officers in the Army, as of admirals in the Navy. It was his opinion that the Committee had erred on the wrong side. He did not hesitate to avow that his proposition in Committee was, that the number of admirals should be fixed at 75 instead of 100; but he was overruled. What had been the services of the naval officers now on half-hay? The average service of eighty-three captains was seventeen years and four months, and the period of their half-pay was twenty-two years; the average service of 683 captains was nine years and ten months, and the period of their half-pay twenty-two years aud ten months; there were 318 captains who had never served a day as captains, having been shelved the day after their promotion; and there were sixty-eight whose service as captains did not exceed one year. With respect to commanders, the facts had been elicited: that of 807, the average service was eight years and four months, and the period of their half-pay twenty years; forty-nine had never served as commanders at all, and 102 had served in that capacity for less than a year. It was also proved with respect to lieutenants, that there were no less than 2,879, whose average service did not exceed four years and one month, while the period of their half-pay averaged sixteen years and eight months. This was a most objectionable system. He contended that the public should be only compelled to pay for service. He should never cease to protest against that system whereby naval officers on obtaining their promotion were compelled to leave the service in their full prime, in order to make room for younger men. The officers thus promoted were generally perfectly fit for service at the time they were shelved; and it was not only unjust to the country, which was saddled with their half-pay, but cruel to them (all their tastes and sympathies being in favour of a sea life) to compel them to retire. With respect to the Army he entirely disapproved of that system whereby a man after serving for three or four years was entitled to receive half-pay, and to become a pensioner for life. He did not see why the practice which prevailed in France should not be adopted here, which was, that precisely the same rule of half-pay should apply to officers as to privates. The Government was not economising as had been recommended by previous statesmen; but he hoped the country would, after it had recovered from its delirium, for it was now frightened at some groundless chimerical idea of the people revolting, insist upon the reduction of our war establishments. It was by relieving the people from the crushing weight of their present taxation, that their contentment and tranquillity could be permanently secured. The fleet upon the coast of Africa was not only useless, but seriously aggravated the evil it was intended to check. Why, too, should there be a waste of public money in the childish usage of saluting great personages? Fifty pounds a day was actually blazed away in gunpowder upon this absurd practice. After a few words on the difficulty of procuring medical officers for the fleet, and recommending the work of the dockyards to be put out by contract, the hon. Member concluded. By these and other means the public burdens might be considerably lightened; and he hoped that before they met again for the next Session the Government would have effected a careful revision of all its establishments, and be prepared to grant the people a large and substantial relief by the remission of their enormous taxation.

Admiral GORDON regretted that the Navy Estimates had been referred to a Committee; for he believed that it would hereafter be found to be a precedent attended with serious injury to the public service. At the same time he believed the Committee had collected a great deal of valuable information that would be serviceable in framing future estimates, and in conducting the general business of the different departments.

Captain BERKELEY thought many of the hon. Member for Montrose's figures erroneous. He thought it better that it should be left to the Executive and the Board of Admiralty to say what ships should be kept up, and how they should do duty, than leave such a body as the House of Commons to decide upon such matters. He denied that there was the difficulty of getting medical officers and seamen which the hon. Member had supposed. The hon. Member for Montrose ought to remember that the half-pay, of which he so loudly complained, was the result of the long war. Seven hundred and twenty-eight ships were commanded by captains in the course of that war, who had been placed upon half-pay when their services were no longer required; and it would be extremely hard if no account was to be taken of their having spent the prime of their lives in the subordinate ranks of the profession, prior to their promotion to be commanders. It was, therefore, most unfair to say that they were receiving half-pay after only a few years' service, and to cry out that the country was robbed by their being paid extravagantly for doing comparatively nothing.

Mr. COBDEN wished to make a few observations on the question now before the House. The hon. Member for Montrose had explained to the House what the Committee had themselves stated in their report, that they were precluded from entering on the question what should be the amount of our naval force. The Committee were told that this question must be left to the responsible advisers of the Crown, who, taking a general survey of the state of the world, and of our relations with foreign Powers, proposed such a force as should be agreed upon and determined by the Queen in Council, while the House afterwards finally decided upon the amount of force which should be maintained. They all knew that the vote with reference to the amount of the forces was proposed and considered as one of confidence or no confidence, and that it became a Government and a Cabinet question. Now, before the House met next February, this question would be again considered by the Queen in Council, and the amount again prepared and submitted before the House would have an opportunity of expressing their opinion on this subject. Whatever the amount of naval force might be, he might assume that it would pass that House; but before the Government took the matter into consideration, he begged to offer a few general observations, the result of his experience in the Committee, and to express his views upon the amount of naval force which the Government had maintained and were now maintaining in the service of this country. In doing this he did not pass reflections upon the present Government, or upon any Government that had preceded it. It had been said, that the Government had been for ten years successively increasing the Navy—that there had been no one division against that increase—and that all Governments and parties had concurred in it. They who sat there had, therefore, no right to blame the Government for having so augmented the naval forces. The point to which he wished to advert was the opinion expressed by Lord Auckland and other official men who were examined before the Committee, that the increase of our naval armaments from time to time must be governed by and must keep pace with the armaments maintained by other Governments, who, it appeared, had been also increasing their naval forces. The question appeared, then, to be only one of relative force between different Governments; and that if other Governments and our own would unite and agree upon this point, and if, instead of running a race as to which should have the largest armament, they would bring themselves to an understanding that no comparative increase should take place—then it seemed agreed they would gain all the objects which they at present gained by their overgrown armaments, and each country would stand in the same relative position as at present. It appeared that the great increase in our naval force had been in our steam navy. The Committee did not appear to him fully to appreciate the vast amount of expenditure which had taken place for the steam navy. He believed he should not exaggerate when he stated that at this moment there were either built, building, or ordered, a steam navy equal to 100 vessels, averaging upwards of 1,000 tons each. In addition to those there were sixty or seventy smaller steamers under the denomination of yachts, tenders, gunboats, and the like. He had obtained the opinions of men practically conversant with steamship building, as to the cost of this vast armament. There was the steam fleet of 100,000 tons, and 32,000 horse-power, the expense of which, taking the evidence given before the Committee as to the cost of building per ton, he put down at 5,000,000*l.* sterling. The smaller vessels he put down at only 10,000 horse-power, and the cost at 1,000,000*l.*, making a gross total of 6,000,000*l.* for steam vessels. Would the Committee believe that there had actually been expended, or was being expended, in steam war ships, a larger amount of money than was invested in the merchant steam vessels engaged in the whole of the foreign and coasting trade? ["No!"] The hon. and gallant Admiral (Admiral Bowles, we believe) might well receive that statement as incredible; but he had compared all the returns upon the subject, and if that hon. and gallant Gentleman would go through the calculations with him, he would undertake, notwithstanding his incredulity, to satisfy him of the fact that there was now invested or about to be invested in the steam navy a greater amount than was invested in the merchant steamers altogether. The Chancellor of the Exchequer could not believe this fact, nor probably had the country ever conceived it. But when the matter was better understood, it would be seen what a race of folly and extravagance this country had been running with others. Why, at this rate it would have been positively a gain and a blessing to the country if steam navigation had never been invented, for if a fleet of war steamers was to be kept up greater in value than the merchant steamers themselves, he would ask, speaking nationally, what possible benefit could arise? And it was the same in other countries. He would undertake to prove that the war steamers of France cost more than all her merchant steamers. He could show that such was the case in Sardinia, and in Denmark, Russia, and Austria. Then if all the countries of Europe had been running so absurd a race of competition, in the increase of their war steamers—England taking the lead—would not the House agree with him that it was high time public attention should be drawn to the subject, not only in this country, but in all the countries of the world, and that, if possible, we should invite them to follow the example we ourselves should set of reducing this most enormous expense? He would now mention another fact which would probably appear to some hon. Members equally incredible with the last. They had invested, or had already agreed to and committed themselves to invest, in steam basins and docks, for the repairing of Government steam vessels, a larger amount of money than was embarked in all the yards and factories in the kingdom engaged in building merchant steamers. He would give the items. At Woolwich the amount was 150,000*l.*, at Portsmouth 250,000*l.*, at Keyham, near Plymouth, 1,225,000*l.*, so that there was a total of 1,625,000*l.* either now invested or estimated for operations which would have to be completed, as the cost of works for the repair of steam vessels, being a larger amount of capital than was invested in the yards and factories upon the Clyde or the Thames and other places in which were manufactured all the merchant steamers in the country. And it should be borne in mind that the construction of a single steam engine was not contemplated in these docks or basins; they were appropriated to the making of boilers, and the repairing of steamers only, while in the private yards and factories to which he had referred all the steam engines were made that were used both in the merchant steamers and in the Royal Navy. Now the question was, how had this enormous increase taken place? Much of it, he believed, had arisen from a state of panic. This country had been frightened by some anticipated invasion by the force of other countries; and upon this point he begged to draw the attention of the Committee to the evidence that had been given before the Select Committee by certain gallant Gentlemen. He did not wish to say a word that could excite anger or unpleasant feelings in the minds of professional men; but this much he would say, that there had been an unanimous opinion in the Select Committee that the evidence of those gallant Gentlemen was characterised by a strong professional bias towards great undertakings in the way of armament. Sir T. Hastings, the President of the Commission appointed in 1844 to prepare our national defences against some imaginary peril from abroad, was examined as to his views upon the danger of the country and the necessity for preparation, and this was one of his observations:—

> "Take the Isle of Wight, for example; a large steam squadron comes over; you have two of those ships and four frigates lying in Portsmouth harbour. We will assume the object to be to attack Gosport, from which point Portsmouth might be easily destroyed; about that there is no doubt. Suppose that twenty steamers came laden with troops into Stokes bay for the purpose of landing; they would be there just at the back of Gosport."

And what did Sir T. Hastings found upon this supposition of a manœuvre that an enemy might accomplish in case of war? He proposed that eight line of battle ships and frigates should be converted into screw-steamers in order to guard against an imaginary act to be done in this imaginary invasion. But, mark the effects which your proceedings had upon other countries. The next thing heard of was, that the French Government was alarmed at these preparations on our side, and recommended the preparation of a similar force. And what had been the result of all this? That only one of these screw-propelled vessels had been made; so that alarm had been excited, and corresponding preparations had been induced in France, by the accounts of our increased armament, while, after all, little was effected. And, in truth, if we looked at the armament of France upon paper, and afterwards compared it with what was realised, it would often be found that we had been needlessly frightened about preparations which had never been actually carried out. He would now give the Committee another specimen of the kind of professional argument by which the Government were induced to incur the expense of these steam dockyards. Sir T. Hastings said—

> "Supposing you had an equal force with France, and the object to be attained were the defence of the Channel Islands. The squadrons assemble near the Channel Islands. The object, of course, of the British squadron would be, which, with steam, they would easily have the power of doing, to place themselves between the islands and the enemy. In that position it is probable a great battle would be fought. I will admit that the battle is to the advantage of England; but, as probably would be the case in the opening of a war, it is not one of those great decisive actions with which a war is closed, and that the French are enabled to retire into Cherbourg, Brest, Nantes, l'Orient, and Rochefort."

Further on the same gallant Officer said—

> "We supposed just now a battle to be fought near the Channel Islands; but if we look to the Mediterranean, we shall find that the first naval actions would be probably somewhere to the west of a line drawn from Toulon to Algiers. There is no factory at Gibraltar; and, if you wished to have one, you have no ground on which to build an extensive one."

And, further on, they had another assumed or imaginary sea fight. The gallant Officer said—

> "The factory at Portsmouth is so confined, that admitting you were to throw twenty-five steam-ships in there after a battle, to repair, you could not effect it. Take it that there were forty vessels engaged; supposing you were to send fifteen to the river, and twenty-five to Portsmouth—twenty-five would be more than you could calculate on the power of Portsmouth to repair, and consequently I think it would be wise to provide another basin and factory where such repairs, in the event of such a contingency, depending upon a war, may arise."

Upon these assumptions of invasions and imaginary battles followed the gallant Captain's idea of what preparations ought to be made for repairing steam vessels and engines. He was asked (question 9,844)—

> "It has been stated that if Woolwich were worked to its maximum, and nothing was done but the repair of steam machinery, it would be equal to the repair of 20,000 horse-power; what power do you think necessary in addition to that?"

To this the reply of the gallant Officer was as follows:—

> "Portsmouth is designed for 25,000 horse-power, that would leave me 25,000 for Keyham; also, according to the estimate I have given, I would venture to say, that if you are forming an establishment, admitting my data to be right, of 70,000 horse-power, the *materiel* of the establishment has not been framed on too extensive a scale."

The House would remark that Sir T. Hastings had assumed the country to be at war, and that battles were to be fought in particular localities; and upon such assumptions he had gone to work and persuaded the Government—and the Government had acted upon his suggestions—that it was necessary to have 1,225,000*l.* expended at Devonport for the repair of these steam vessels, and upon such recommendations the House stood committed to a vote for the repair of steam vessels amounting to 70,000 horse-power. The gallant Officer was asked whether he regarded such preparations to be necessary in time of peace? and his distinct answer was, "I view all these questions with reference to a state of war." Great, however, as were these preparations for the coming war, they were not sufficient to satisfy all the gallant officers who had given their opinions upon the subject. The hon. and gallant Member for Launceston was examined before the Select Committee— [An Hon. MEMBER deprecated reference to the evidence before the Committee, when it had only just been printed.] It was not his fault if the Navy Estimates had been brought forward before hon. Members were in possession of the evidence before the Committee. He could, however, bear his testimony to the great ability with which the report had been drawn up by the noble Lord who was Chairman of that Committee. Admiral Bowles was asked what ought to be the amount of our naval force; and his answer was—

> "I believe that no officer in the Navy, whose opinion is worth anything, would say that the force of the Navy ought to be so low as at the present moment."

He further said—

> "My opinion is, that we should take care to be one-half superior to the French navy, whatever their navy is."

And the gallant Admiral further gave as his opinion—

> "Our Navy must be kept up with reference to the Navy of the Power with which we may be at war; so that if the other Power have sixty or seventy steamers of the line, we ought to have eighty or ninety."

[Admiral BOWLES: The hon. Member is not quoting fairly—my evidence referred to ships of the line, and not steamers.] He willingly conceded to the hon. and gallant Admiral, that England was entitled to have a larger naval force than other countries of the world if she liked to incur the expense. Nay, more, no country would object to England having a larger naval force than others. If ships of war were necessary at all, no one would deny that England, with a more extended commerce than any other country, was entitled to keep a larger force afloat, without exciting jealousy. He was not attacking the Government or any party in the country, but he called in question the wisdom of this policy throughout the world of constantly increasing armaments. At the same time he adhered to the opinion he had expressed before, that, when gallant admirals and captains were called upon to advise as to the amount of armament to be kept up, they were likely to be influenced by professional feelings and prepossessions in urging increased arming without reference to the expenditure. The House would find in the evidence, that when these gallant officers recommended this increase of force, and when they were asked about the expense, they said, "Oh, we never thought about that at all; all we thought of was, how the country was to be defended." It appeared to him that the great error on the part both of the Government and of these officers was, that they assumed as a physical possibility what nobody could deny, that there might be an attack upon some point of our shores, and then called upon the country to act upon their assumption as if it were a moral probability. If they were to carry out that principle, he did not know where they could stop in their preparations against an invasion, short of erecting a martello tower at every hundred yards upon the coast, and even then there might be some timid old ladies who felt themselves insecure. At the same time, it appeared to him that we had shown a little want of what was called English pluck. He had seen a remark in an American paper to the effect that England had been incurring expenses all over the world to play the bully, and now she was incurring expenses to play the coward; and really there appeared some force in the observation, when we had been wasting our money to defend ourselves from these imaginary dangers, and from invasions and attacks which nobody ever contemplated making upon us. He would now appeal to the Government whether it was utterly impossible for something to be done to stop this enormous expenditure? Would it not be practicable and rational to make a proposal—a proposal such as was probably never made before—to the Continental States, that they should discontinue this absurd principle of arming? He might be called Utopian for entertaining the idea of such a project, were he not sanctioned by high authority in that House—by a statesman whose opinions commanded respect both in the Legislature and in the country. In 1841, prior to accepting office, the right hon. Baronet the Member for Tamworth said, in speaking on the Amendment to the Address—

> "Is not the time come when the powerful countries of Europe should reduce those military armaments which they have so sedulously raised? Is not the time come when they should be prepared to declare that there is no use in such overgrown establishments? What is the advantage of one Power greatly increasing its Army and Navy? Does it not see that if it possesses such increase for self-protection and defence, the other Powers will follow its example? The consequence of this state must be, that no increase of relative strength will accrue to any one Power; but there must be a universal consumption of the resources of every country in military preparations. They are, in fact, depriving peace of half its advantages, and anticipating the energies of war whenever they may be required. I do not mean to advocate any romantic notion of each nation trusting with security the professions of its neighbours; but if each country were to commune with itself, and ask, 'What is at present the danger of foreign invasion compared to the danger of producing dissatisfaction and discontent, and curtailing the comforts of the people by undue taxation?' the answer must be this, that the danger of aggression is infinitely less than the danger of those sufferings to which the present exorbitant expenditure must give rise. The interest of Europe is not that any one country should exercise a peculiar influence; but the true interest of Europe is to come to some one common accord, so as to enable every country to reduce those military armaments which belong to a state of war rather than of peace. I do wish that the councils of every country (or that the public voice and mind, if the councils did not) would willingly propagate such a doctrine."

Many embassies had been sent abroad to negotiate for various objects whether relating to peace or war. Why should not a messenger go forth from the Foreign Office to the Governments of France and Europe generally, to propose that there should be a partial disarmament? We were, in fact, departing from the practice of former days. Formerly, when hostilities ceased, Governments disbanded their forces, and the people were left to enjoy the fruits of peace. We were now keeping up a force equal to that which was maintained in the middle of the last century, when we were engaged in war. And had hon. Gentlemen calculated the expense of this? Let him not be called a romantic dreamer possessed with the notion of universal and perpetual peace. What he wanted was reduction. He asked again—had hon. Members calculated the expense of the armament? They were voting this year for Army, Navy, and Ordnance, 18,000,000*l*. It was equal to 8,000,000 quarters of wheat, and to the rental of 1,800,000 10*l*. houses. He did not mean to say that circumstances might not require a large expenditure of the public money; but every shilling that was expended without necessity was just as much wasted as if it were flung into the sea; it produced nothing to the country; and he had observed in the inquiry before the Committee, that the purpose of our armaments was not always properly defined. Lord Auckland had been examined before the Committee, and he seemed not to know what considerations governed the disposal of our naval force; there seemed never to be any rule. He appeared to consider that there was a necessity for some of our ships to be in every quarter of the world where there were ships belonging to any other Power. There was the miserable affair of the River Plate; what a waste of money at Montevideo! And, after we had abandoned the affair, and given it up in despair, we must have ships kept there to watch the French. Then there was our trade with China; there were twenty-five ships of war on the East India and China station to guard our trade; whereas, in 1835, we had only fifteen. Was it expected that our trade with China could support such an expenditure? Was a trade of 2,000,000*l.* with China to be burdened with 700,000*l.* or 800,000*l.* for this object? If we had much of this sort of trade, it would be the ruin of the country. Our merchant vessels were now exempt from the danger of pirates; that was a modern advantage which our forefathers never possessed. He knew there were Malay prahus in the Indian Archipelago; but they did not attack our vessels; they robbed each other. We had now no Algerines to contend with, like the Venetians of old, who were obliged to send armaments to protect their ships against pirates. We laboured under no such disadvantages; we were fitting out armaments simply and solely for the purpose of running a race with other Powers of folly and extravagance. He saw nothing in the state of the countries abroad to prevent an overture from this country for a partial disarmament; on the contrary, he saw much which afforded a prospect of the continuance of peace. The hon. Member for Oxfordshire (Mr. Henley) last night said, he (Mr. Cobden) had not been a true prophet with respect to the state of France. He was charged with not having foreseen the French revolution, which neither Monsieur Guizot nor Louis Philippe foresaw at twelve o'clock of the day on which it exploded; and he thought he ought not to be excused, for if there was any person who more than another had cast discredit upon those who presumed to indulge in prediction, it was he. But he saw nothing in the present state of France or Europe to prevent a reduction of armaments. There was no symptom of war between the great nations of Europe; all countries seemed to be settling down according to their several races and nationalities. Germany said, "We want to be Germans; we don't want any but natives of the German race to league with us; we want no Sclavonians and no French." Austria, indeed, was trying to prevent the fulfilment of this national desire in Italy; but if one great nation desired to conquer other nations of different race, and language, and religion, he saw no advantage in its so doing; on the contrary, he was sure success would be a source of perpetual weakness, and no one who knew the universal feeling of the Lombards would deny that if Austria subjected them, it would be a source of weakness to her, and not of strength. Sovereigns no longer disposed of the destiny of nations. It would never again be found that princes and sovereigns, sitting in Congress at Vienna, could dispose of countries, and races, and people in a mass. The democracy was now heard; there was a popular voice, and he saw in the influence of that popular voice an obstacle against war, a principle that would control dynastic intrigues, and save us in future from such misunderstandings as have lately arisen out of secret arrangements for the marriage of princes. Was it not the great interest of this country, or of any other country, to reduce its expenditure? The remark he had quoted from the speech of the right hon. Baronet the Member for Tamworth showed that the consequence of increased armaments must be increased taxation. Look at our condition now. Could we find any parish or municipality in such a state we should be ashamed of it. We had an acknowledged deficiency of 1,700,000*l.* a year, and yet we were neither ashamed of it nor alarmed at it. We were running the same course which all nations ran when they entered upon a career of ruin; our expenditure exceeded our income; and we could not reduce our expenditure unless we reduced our armaments; and every step we took to reduce our expenditure would not only reduce taxation, but increase the commerce of the country. A reduction of 1,000,000*l.* in the Naval Estimates would enable them to take off one-half the tea duty, which would augment our trade with China; and the reduction of another million devoted to the abolition of excise duties would relieve and encourage various branches of trade. Then he said to the House and to the country, without reference to party—he was not treating this as a party question—this was the moment to invite the Government to exert their utmost efforts with foreign countries to induce them to agree with us to reduce our expenditure by reducing our armaments, that they might reduce theirs. He should like to see this country set the example, and others to follow it; but France had already set the example. He had seen it announced that the French Minister had reduced the expenditure of the Navy 30,000,000*l.* francs. He wrote to a friend at Paris, and asked him if it was true. His answer was, that the French Minister no more than our Chancellor of the Exchequer abounded in wealth, and that he had been issuing circulars specifying the reductions to be made in all the departments for 1849, to enable him to make the income equal to the expenditure; and that the circular of the Minister of Marine required reductions to be made in that department to the extent of 30,000,000 francs. He should have wished that the glory would have belonged to our Government of setting such an example to the whole civilised world. He called upon the House and the country to urge the Government to try to induce other Governments to do that which he hoped we should do ourselves, by commencing a course of retrenchment in the cost of our overgrown and oppressive armaments.

Admiral BOWLES: Sir, the hon. Member for the West Riding has addressed the first part of his speech so particularly to me, that although he was sufficiently discursive towards the conclusion, and wandered into various foreign topics, it would be disrespectful towards the House, and not courteous to the hon. Gentleman himself, if I did not say a few words in reply. The great error into which he, and all the school to which he belongs, always fall in discussing these questions, is, that from an apparent incapacity to comprehend the immense national interests and objects at stake, they argue as if the matter was merely pecuniary—an affair of pounds, shillings, and pence—and totally lose sight of the higher objects involved in it. The hon. Gentleman brings forward his *ad captandum* illustrations, to show how many quarters of wheat may be bought, or how many ten-pound houses built, with the money which our Navy costs us; but he forgets that even the blessings of food and dwellings will go but a small way towards human happiness, if they are unaccompanied by a sense of protection for life, and security for property. For the sake of a passing smile in the course of his speech, he has quoted garbled extracts from evidence not yet published, to represent an officer of high rank and character, as entertaining exaggerated and groundless apprehensions, and suggesting unnecessary precautions; but I assert, from my own knowledge, that the dangers in question were not imaginary but real—that if war had suddenly broken out in 1844, we were by no means prepared for it, and this not from the fault of the then existing Government, but from the injudicious and overstrained economy of their predecessors in office, who had not been sufficiently alive to the extraordinary efforts making at that time by France, for the increase of their navy—a steam navy, more especially, which might outnumber ours on any sudden emergency. Any one would suppose, while listening to the hon. Member, that all the great exertions made during the Administration of the right hon. Baronet the Member for Tamworth to increase our own force, were extravagant and unnecessary fancies; but he forgets that we were driven to them by the conduct to which I have alluded; and when he quotes Sir R. Peel's wise and statesmanlike intreaties to foreign Powers to abstain from warlike preparations, he must surely be aware that all these observations were especially addressed to France. And how was his appeal answered? Why, it appeared as if the Government, the Chambers, and the Nation were rivalling each other in hostile feelings and demonstrations, and pressing forward more eagerly those great naval preparations so evidently directed against us, and which rendered indispensable corresponding efforts on our part. I trust that circumstances have now changed, and better feelings may have arisen; but I am anxious to show how completely the hon. Member has misrepresented all the facts, for the purpose of suiting them to his own argument. Sir, after the very satisfactory statement of the Secretary of the Admiralty, by which we are informed that none of the more important suggestions of the Select Committee are to be adopted by Her Majesty's Government, I shall abstain from those lengthened remarks upon them which would have otherwise been necessary, observing only that the report has been drawn up with great care and labour by the noble Chairman, and that it will be found very useful as a general summary of the practice of the department, if the Government should continue to divest itself of its responsibility, and again to commit the revision of the Navy Estimates to a Committee of this House. The recommendations to which I propose to advert are only the most important ones, and I will take that with respect to Keyham first, because it far exceeds the remainder in magnitude; and, if I have the good fortune to convince the House that I am right on this point, I shall give them very little more trouble with respect to the remainder. Sir, I did not imagine until I attended this Committee, that a doubt could arise in the mind of any reflecting individual as to the obvious necessity of preparing in due time for the repairs and equipment of that steam navy which circumstances beyond our own control, and to which I need not now more particularly allude, had obliged us to create. Our naval arsenals, complete as they generally are, for the purposes of former times, were, with the exception of one in the Thames (Woolwich), unprovided with the means for repairing the defects or injuries of a single steamer; and it was clear that all our efforts would have been thrown away except our two great western arsenals — Portsmouth and Devonport—were made available for this purpose. The former is happily nearly complete, and beyond the reach of the Committee, but no efforts were left unturned to overthrow or retard the completion of the latter; and although the evidence of almost every witness bore the strongest testimony to its extreme importance, and the impossibility during war of conducting naval operations on the coast of France, Ireland, and the Bay of Biscay without a sufficient establishment at Plymouth for the immediate refitment and repair of our steam navy, it was obviously impossible to convince those whose minds were apparently previously thoroughly made up on the subject of this self-evident truth. It was in vain urged that France had already made these preparations: that at Cherbourg, Brest, Indret, and Rochefort, all was complete. Nothing could convince a certain number of the Committee, and it will be seen by the proceedings that two hon. Members actually voted for the immediate stoppage of these great and most important works! Sir, I have already said that I impugn no man's motives. I trust they are upright and honourable; but this I will fearlessly assert that the worst enemy of his country could not have devised a scheme more calculated to injure our naval power and to cripple our means both offensive and defensive. Sir, with respect to the recommendation for confining the number of men actually employed strictly within the limits of that annually voted by Parliament, it sounds, I acknowledge, plausible. I know it was an old hobby of the right hon. Member for Ripon; but it has one great objection—it is impracticable. In the vast and complicated affairs, foreign and domestic, of this mighty empire, something will every year occur at home or abroad to create alarm and uneasiness—to impede the regularity of reliefs, and, in short, to derange that perfect accuracy of management on which this suggestion depends. With respect to the recommendation of the Committee to annul the whole of those regulations on the faith of which a large measure of retirement and gradual promotion was granted to flag officers only a year and a half ago, its injustice is, I trust, so evident to Her Majesty's Government that I will not trouble the House with any further remarks upon it, and I will only in conclusion detain the House a very few minutes with some observations on the line of conduct which might, without impairing the efficiency, secure real and solid economy in our naval administration. It has been more than insinuated, in the course of this debate, that naval officers are reckless of expense—that they are regardless of economy, and only desirous of maintaining large and unnecessary establishments. Sir, I deny all these accusations. I assert that we are most anxious to combine efficiency with economy in its true and legitimate sense; but real economy, Sir, is that which produces equal results at a smaller cost, while parsimony and injudicious saving only render inevitable a much larger outlay hereafter.

My gallant Friends opposite will allow me to remind them how much money may be saved by a constant and careful control over the large sums annually expended in our dockyards, in building, repairing, and altering ships; and how much consideration is necessary to guard against any injudicious expenses under these heads. I would venture to suggest to them a much more detailed and serious examination of all these questions before the whole Board of Admiralty than has ever hitherto prevailed, and to recommend that, as it is now finally determined that the Surveyor of the Navy shall in future be an officer of rank and distinction in the service, he should no longer be considered as a mere subordinate, but be raised to a seat at the Board, and thus enabled to state and support his own opinions and ideas with more freedom and effect. I am convinced that nothing would conduce more towards real economy than the adoption of this plan.

MR. CORRY defended the increase in the salary of the Second Secretary of the

Admiralty, Captain Hamilton. He supposed that the hon. Member for Montrose, when he stated that the number of ships of the line was at present reduced to fifty, could only have alluded to such ships of the line as were ready for sea. With respect to the recommendation of the Committee to reduce the number of flag officers from 150 to 100, he was glad to hear that it was not the intention of the Government to give effect to it. During the course of this discussion it had been assumed by some hon. Gentlemen that all the recent measures of the late Board of Admiralty, and those that were continued by the present Board, had been adopted in consequence of some imaginary alarm. A more absurd notion it was impossible to conceive. It was quite true that there had existed some alarm in consequence of the state of the relations between this country and France; but, without reference to any such alarm, he would call the attention of the House to the fact that in 1844, when these steam preparations were taken in hand, the war steam navy of France was actually larger than that of England. Had this country ever been content to remain inferior to France in naval preparations? He therefore hoped, notwithstanding the pacific doctrines of the hon. Member for the West Riding of Yorkshire, that the Government would not even allow France to equal this country in steam preparations. That hon. Member had said, that all this expenditure had been imposed on the country because France and other Powers had been running a race of most absurd competition in useless extravagance, of which England set the example. That, however, was not the case. The example was not set by England, but by France. The hon. Member for the West Riding of Yorkshire, referring to Sir T. Hastings' evidence, said that all this expense had been incurred for the purpose of providing against an imaginary danger. But that was not the purport of Sir T. Hastings' evidence, which went to show that the country ought to provide in peace the means of repairing, in case war should arise, the horsepower which it at present possessed in steam vessels; and, as the mercantile and Royal steam Navy of this country equalled 70,000 horse-power, the country ought to have the means of repairing that horsepower. This was a calculation founded on the amount of steam power employed in time of peace, and not upon a reference to any increase for a time of war, and he thought that it would not be denied that the country ought to have the means of repairing the steam power now available for the defence of the country. The hon. Member for the West Riding of Yorkshire said it was absurd to enter upon preparations on the assumption that somebody was going to attack this country; but upon what other possible assumption could they regulate their proceedings? He hoped that they should not hear in that House the doctrine that this country should not trust to her own resources, but to the mercy of others. England ought to be at the head of all other nations in naval preparations, in consequence of her extensive mercantile relations. When the evidence was delivered he should be perfectly ready to enter upon the general discussion, and to have the naval policy of the late Government inquired into. He thought that he should then be able to satisfy the House that the measures adopted by the late Government were necessary for the maintenance of the naval supremacy of this country, which, he trusted, notwithstanding the opinion of the hon. Member for the West Riding of Yorkshire, no Minister or Government would be prepared to abandon.

Lord J. RUSSELL: I do not rise for the purpose of entering into a detailed explanation of the Navy Estimates, for my hon. Friend the Secretary to the Admiralty, and the hon. Gentleman opposite, who were concerned in the preparation of the estimates of the late Government, have gone into those details very fully, and, as I think, very satisfactorily. But the hon. Gentleman the Member for the West Riding of Yorkshire has laid down certain principles for our consideration, at least with a view to the preparation of estimates for a future year; and this, in fact, does seem to me to be the chief topic of discussion for the present occasion. It is impossible that we can now discuss the report of the Committee; and no one wishes to reduce the actual force of the Navy. But certain principles have been laid down by the hon. Member for the West Riding of Yorkshire, to which I think it important that the House should give some consideration with a view to what is to be our basis in preparing the estimates. The hon. Member admitted very fairly and very truly that we could not omit from our consideration the naval force of other countries; and not only that, but that no one in this country and no foreign Power ought to find fault if our Navy were stronger than that of other foreign Powers. So far I quite agree with the hon. Gentleman. I do not think that we ought to say so much as was laid down in the Committee of 1817, that it was necessary for this country to have a force equal to any two foreign Powers; but I think that what the hon. Member has stated, that we ought to be stronger at sea than any other foreign Power, is a proposition to which the House may very fairly assent. But in discussing further the question as to what that force should be, I own that I think that the hon. Gentleman laid down certain principles to which I cannot possibly assent. He stated very fairly, however, that the right hon. Gentleman at the head of the late Government said that it was very desirable that all countries should agree not to run a race of competition as to the amount of force to be kept up, and that the several Powers should not put themselves to a great and extravagant expense, by endeavouring to get before each other; and that it would be far better and far more rational that all should agree to a reduced and moderate amount of force, than to seek each to exceed the other. So far I quite agree with the hon. Member (Mr. Cobden); but he has entirely omitted to notice the fact to which the hon. Gentleman who last spoke has adverted—that the right hon. Gentleman at the head of the late Government found it necessary, when in power, in consequence of the increase of the French steam navy, very much to increase our force, and to lay the foundation of a very extended force of steamers, and, in fact, of a large expenditure, in conformity with principles on which he found it necessary to act, although they were not the principles which he stated it to be most desirable should influence the course both of this country and of France. It is obvious that, if France had been willing to follow the suggestion thrown out by the right hon. Gentleman, and had made a great reduction of force, then the right hon. Gentleman could have acted on the principle he enounced; but as France acted on a contrary principle, and would make a great expenditure for her naval force, and especially for the force of steamers, it was impossible for any Government not to follow the same course, and to maintain a proper force here to defend this country in case of danger. The hon. Member for the West Riding of Yorkshire having referred to the evidence of Sir T. Hastings, the hon. Member opposite (Mr. Corry) explained that he had only in contemplation what was necessary in time of peace. But even if Sir T. Hastings had said that this country might be exposed to war, and that if war should break out probably battles would take place, I do not think that he would have been wandering in the realms of imagination, or that he would be liable to the charge of being extremely fanciful, if he said that what had occurred six or seven times in the course of the last century might occur again, and that it was as well to be prepared against it. The hon. Member for the West Riding of Yorkshire, laying down certain principles of calculation, says that our steam navy has cost an enormous sum—a greater sum than the merchant steam marine of this country. Without going into the particulars of that estimate, I should be inclined to doubt the fact; but I do not think that the inference he draws is well founded; for he says, "You have a steam navy which costs more than the merchant steam marine—more than that which is to be protected by it." But the Navy is to protect not only that branch of the merchant shipping, but the whole of the merchant marine, and is also required for other purposes—for war, and for the assistance of our fleets; and he could have no adequate notion of the purposes for which our fleet is required if he fancied that it was merely wanted to protect the merchant steamers belonging to the country. The hon. Gentleman says that you have a large steam and other navy, and you will find in the end that it will cost more than would be spent in building all the towns on the coast. Now, supposing that were the case, would it be wise of this country, in an economical point of view—as a question of how you can spend your money to the best advantage—to say that, rather than expend 5,000,000*l.*, 6,000,000*l.*, or 10,000,000*l.*, you would let all the towns on your coast be destroyed? Suppose, at the beginning of a war, that this country was to find that the French steam navy had gone from Dover to Falmouth, and that every town on the coast had been set on fire and destroyed, would any one say, "After all, we are gainers by this, for those towns were only worth 15,560,000*l.* 19*s.* 10½*d.* and it would cost us at least 500,000*l.* or 1,000,000*l.* more to save them from destruction?" It is quite ovious what the effect would be. The whole of the country would then be in a state of real panic. It would not be such a panic as the hon. Member for the West Riding has said was so causeless; but the real panic which arises when a country finds itself incapable of defence. Regarding this subject in an economical point of view, I would ask the House to consider what it is that causes the whole security of capital in this country—which has led people, with the greatest confidence, to lay out within the last few years upwards of 300,000,000*l.* upon railways—and which induces them to enter with such confidence into commercial and manufacturing speculations? It is the belief that this country is secure of its independence; that it can maintain order within, and respect without; and that capital can therefore be safely laid out and invested. But if you had every town on the coast burnt and destroyed by a foreign enemy, that feeling of security would immediately cease, and persons who had invested their capital here would at once say, "Let us go and invest our capital at New York or Philadelphia, and fly from a country which has not courage to defend it." That appears to me to be the pounds, shillings, and pence view of the question. Without appealing to national pride, to high feelings of patriotism, or even to the spirit of the "British lion," but merely making a calculation of what is the cheapest way of maintaining the capital and riches of this country, I should say, it is a far cheaper plan to follow the course recommended by the late Prime Minister (Sir R. Peel), of having a good steam navy, and a sufficient force to defend ourselves, than to say, "We will calculate the exact value of what we have to defend, and it does not much signify if we have a few towns burnt." Now, having expressed my difference from the hon. Member for the West Riding in that respect, I have to state that I agree with him in much that he has said; and I think that if the present French Government, being wiser than the late Government of that country, should deem it proper to reduce very much their naval expenses, which appear to me to have been extravagant of late years, it would furnish a good occasion to carry into effect retrenchments which would not otherwise be advisable. I think that the Committee which has lately sat, has pointed out several sources of expense which might be very well the subjects of inquiry, and of careful amendment in the course of another year. I quite disagree from an hon. Gentleman who said it was not fitting to subject the estimates to the consideration of a Select Committee. I think it would be very unadvisable and unusual—it would be shirking the responsibility of a Government—to take that course every year; but I regret that such a course was not taken in 1818 and 1828. I regret also that we did not take that course in 1838; and I think the hon. Member for Montrose was quite right in suggesting that it should be adopted this year. I believe that inquiries by such Committees from time to time—not too frequently, but every now and then—do enable the Government, and the public departments, to reconsider expenses which they may have incurred, and to take a better course with regard to many of the details of that expenditure. I perfectly agree, also, that there is nothing more foolish than for the Governments of different countries to vie with each other in attempting to have large armaments. I quite agree that, as a general rule, such a course is most unwise. I do not think, however, that we are exactly in the position of the United States of America. We are naturally more involved in all those questions which concern the continent of Europe; but still, I think, the Powers of Europe would all do well if they moderated their expenditure for the maintenance of armaments. I do not wish to follow the hon. Member for the West Riding into his view of the state of foreign politics; but as he has spoken quite fairly of the prophecy he made with respect to the probability of a revolution in France, I must remind him that he made another prophecy, namely, that the present Government would be so influenced by the clubs and coteries of London, that in a very short time it would become involved in war with the French Republic. I thought, at the time, that that prophecy was most unjust to Her Majesty's Government. I can assure the hon. Member that it never was our wish to quarrel with the Government of France; and, even in the short time that has elapsed since the revolution of February, we have shown, I think, that it has been our desire to act rather in concert, or at all events on the best terms of international relation, with the Government of so powerful and enlightened a country. I am glad to find that the present Government of France disclaim, most wisely, those projects of ambition which led France, under the republic and under the empire, at first to brilliant conquests, and afterwards to as signal calamities; that the present Government of France, and I believe the whole of the French nation, concur in the impolicy of such a course; that, on the contrary, their wish is to preserve the peace of Europe; and that, if there is a desire to break the peace of Europe, it exists — not in France—but in other quarters. I cannot say that I think the state of Europe is at present so assured that any statesman could confidently predict, for any number of years, the continuance of peace: but, with respect to the Government of France, I believe that they are animated by a sincere desire to preserve peace. I believe that the powerful Government of Russia is animated by the same desire; and, England, France, and Russia all concurring in a desire to maintain the peace of Europe, there is not at present the least probability of that peace being disturbed.

Mr. DISRAELI: The hon. Member for the West Riding has taken this opportunity of promulgating certain deleterious principles, of which he is a persuasive advocate. I wish I could agree with him that what he calls the progress of democratic government is calculated to insure peace for human nature. I must say that the little experience we have of recent changes has not been of a very promising character. We have had the triumph of democracy in Germany followed up by the invasion of Denmark and by the invasion of Holland; and I believe that the hon. Gentleman, though he visits upon kings and cabinets the occurrences of all past wars, will not find in the annals of history cases of more unprovoked and flagrant invasion. Indeed, I must express my opinion that the hon. Gentleman is a professor of philosophy on the subject, which is not founded upon fact. The hon. Gentleman is apt to embrace, I think with precipitation, certain opinions which at the first glance are calculated to enlist the popular conviction; but they do not appear to me to be matured opinions—they do not appear to me to be founded upon any investigation, or to be authorised by anything that has occurred. All the opinions which the hon. Gentleman so frequently takes an oppportunity of communicating to us and to the country on the subject of war, appear to be totally unauthorised by what has happened. The hon. Gentleman has said that he does not pride himself upon the gift of prophecy; and I think he is quite right. There have been occasions when we have been informed how much mills would be worth, and how the congregations of churches and chapels would be increased; and many glowing pictures of the future of England have been drawn by the hon. Member at different times and in different places. If they have not been fulfilled, after what has fallen from the hon. Gentleman to-night I think the country will not place much reliance in future upon his gift of prophecy. But I totally deny the whole statement of the hon. Gentleman. He has said to-night that the period has passed when kings would be able to engage in wars, and to occasion great suffering to humanity, in order to parcel out a kingdom, or to aggrandise their provinces; but that statement is not authorised by anything that has occurred in the history of human nature. I will not go to what he calls ancient history—but certainly remote history—where I could find many instances that would totally confute the position so frequently and peculiarly advanced by him. I will not even go to ancient history, where these instances are much more rife. I will confine myself to that strictly modern history where those truths are found which are still influencing the destiny of every man, and in which are recorded those events which are influencing our conduct at this moment. Modern history is of very limited extent. Two centuries and a half comprise it, and in that period there have been three wars of signal interest and duration. The first lasted thirty years—the thirty years' war of Germany. Was that occasioned by a monarch desirous to carve out a kingdom, or to aggrandise his provinces? No; it was a war of popular principles and of popular passions. Was the war occasioned by the ambition of the French nation under Louis XIV., when France was opposed by the spirit of independence of all Europe in a war which lasted for an equal period—was that a war of individual feeling? On the contrary, it arose from the indignant spirit of all Europe. And was the war produced by the first revolution in France, and achieved by Napoleon, a war of aristocratic or exclusive prompting? On the contrary, all these great wars, each of thirty years' duration—extending over a term of ninety years, one-third of the period of modern history—were occasioned by popular passions—by popular prejudice, and by the ambition of nations. Even if I were to go into little wars (and I do not wish to do so, unless it is necessary in refuting these oft-repeated fallacies), I could show that it was not the Sovereign or the Cabinet that occasioned them. No; they were, as a general principle, too well acquainted with the resources of countries to occasion war. How arose the war which occurred during the Administration of Sir R. Walpole, from the case of Captain Jenkins and his ear, when the House rose in tumult, and the most powerful Minister who ever ruled England was obliged to succumb to popular feeling, and to engage in a war with Spain? That war did not arise from the ambition of a sovereign; it was a war created by the prejudice and passion of the people; and I have no doubt that other wars will arise from a similar cause. The hon. Gentleman has said, in a most extraordinary manner, that our security for peace at the present day is the desire of nations to keep at home. There is a great difference between nationality and race. Nationality is the principle of political independence. Race is the principle of physical analogy, and you have at this moment the principle of race—not at all of nationality—adopted by Germany, the very country to which the hon. Member for the West Riding referred. What must be the unavoidable consequence of that principle of race to which the hon. Gentleman looks as the security for the peace of Europe? What must be the consequence of the development of that principle? If it is to be accepted as a great political truth, sanctioned by the hon. Member for the West Riding, why is France to be left in possession of Lorraine and Alsace? Why is Russia to remain in possession of Livonia? If that principle is to be accepted as a truth, you have not a security for peace, but a certainty of general and almost perpetual war; and yet it is upon this principle that the hon. Gentleman—a great authority—has come down to criticise the estimates of the Government, and to deny that there is any necessity for a country defending itself. I am not surprised, indeed, that the hon. Member should be opposed to "protection" in every shape; but still I think, in one shape, the question of the protection of our own shores and our own hearths will always be popular with both sides of this House. Now, Sir, the noble Lord, in the speech, full of sound sense and excellent feeling, which he has just addressed to us, has found great confidence in the future prospects of peace for the world, in the sympathy of feeling for that object between what he described as three powerful Governments—our own, the Government of France, and the Government of Prussia. [An Hon. Member: Russia.] True; Russia. I must apologise to Prussia for having mentioned it as a government. I am excessively glad to find that there is a Government in France—a Government that has been described to-night as a powerful Government. I think, after this announcement from so great an authority as the First Minister, it would be but condescending to recognise that Government. [Lord J. Russell: We believe that it is recognised.] Really, to describe that as a powerful Government which had not yet been recognised by the Queen, would be somewhat to anticipate the course of destiny. However, these observations have been drawn from me by what fell from the hon. Member for the West Riding. I rose because I wanted to know from some Member of the Government what force they have, for instance, at this moment in the Baltic. I find that one of the strictest blockades ever proclaimed has now been declared in that sea; and certainly with our great expenditure for a naval force, with a Government which we are assured takes care that even our contracted trade and limited commerce with China should be sufficiently guarded, it would be some consolation to the merchants of Great Britain if they knew that their interests were attended to in this quarter. The House will recollect that Denmark in self-defence was obliged to proclaim a blockade some months ago in the Baltic; but from the very best motives it was arranged in a manner as little noxious as possible to neutrals, and especially in reference to the interests of British commerce; of the return which Denmark has received for its conciliatory conduct, I need not remind the House. But the blockade which has now been declared—I am sure no Member in the House can blame Denmark for the course it has take—is one of the most stringent and severe character, and much more comprehensive than the other; it is not now confined to a few ports of the Baltic—it takes in the North Sea, the west as well as the north of Germany. I should like to have an intimation from Her Majesty's Ministers which would at least give some satisfaction to the merchants of this country upon that subject. They have shown, I must say, the greatest temper upon the whole question of the misconception between Germany and Denmark. The original blockade did them a great deal of harm; but they acknowledged the justice of the cause of Denmark, and they felt that it was a legitimate arm of defence of which that State availed itself. The merchants were satisfied with the declaration of the noble Lord the Secretary of State, and they refrained from petitioning this House or appealing to their representatives. They have waited with the greatest interest for the termination of his interference; and the only return, apparently, which they have received for their good temper and patience, and confidence in their Government, is the declaration to-day of a much more severe and stringent blckade, which must prove necessarily most injurious to their interests. I wish to have some explanation upon this subject from the Government, and some account of the precautions they have taken with this great arm of England, the resources of which we are discussing, for the protection of our commercial interests and the guardianship of British commerce in those waters. The noble Lord the Secretary of State told us once, when I brought the matter forward, that he had accepted a mediation upon the subject; I beg to remind the House, that it is not Denmark that solicited the mediation of the British Government. Denmark required the fulfilment of a guarantee on the part of the British Government. It was Prussia—Prussia, speaking on behalf of the new Germanic Confederation, that required that mediation. The mediation took place; Prussia agreed to an armistice, which has never been completed, and Denmark has been forced to the step that has this day been announced. I want to know what protection has been afforded to British interests endangered by these circumstances. I want to know—I shall not press it now, but it would be gracious on the part of the noble Lord to tell us—whether Prussia still remains an independent State? Because, then, the merchants would be able to form some calculation of the chances of redress they have. The Prince of Leiningen, I perceive, a most able and accomplished man, has become Minister of Foreign Affairs for the Germanic Confederation. I want to know whether there is to be another mediatised prince; I hope he will not become a Minister for Foreign Affairs. But these are circumstances which require some explanation from the noble Lord. There is another blockade of very great importance, to which I must also call the attention of Her Majesty's Government; and I want to know what steps they have adopted to take care of British interests in that quarter; for what is the use of voting millions for the Navy if we are not attending to these interests in moments of war and in remote regions? I can understand very well the hon. Member for the West Riding, who calls our attention to the fact, that our commerce in a particular quarter does not justify from its amount the expenditure we are incurring in order to guard it; it is a subject which, if pursued, would give rise to many considerations which I do not mean now to follow; at the first blush it is a position that cannot easily be impugned; but I think all will admit that a nation that has a Navy, and a nation that is celebrated for two things—the most extensive commerce and the most powerful Navy—should take care that that extensive commerce is protected where foreign war is raging. Now I want to know what is the state of our force in the troubled waters of La Plata. I have the best reason in the world for asking that question; I have a letter here which I received to-day, but will not now read, from a member of a most eminent Liverpool firm, and I am informed by it that one of the most important houses connected with our trade with the regions of La Plata, has been obliged to suspend its payments in consequence of the state of affairs in La Plata; and my informant says very candidly that he does not see why, unless some settlement of the affairs of those countries takes place, every other house connected with that trade should not be prepared for results equally disastrous. We have had now for five or six years in those waters a force of unprecedented amount for those regions; the result has been very unsatisfactory for some time; the accounts that have reached us have not been such as have encouraged British enterprise, or compensated in any degree for the losses of our fellow-countrymen; but the most remarkable circumstance of this protracted blockade, and this increased expenditure, is that of late we have had no accounts whatever from that quarter. Here is a district of country in which British enterprise has been most active—in which the establishments of our merchants have been on a very great scale—in which, besides the enjoyment of a considerable present commerce, there has been a very great prospect of novel adventure of that kind in countries never explored—for they were only recently opened to us, and almost as immediately shut; the attention of our Government and the resources of our Navy have been particularly addressed to this rich and this disturbed district; and I want to know what this force, for which we are about to vote these large sums, has done for the vindication of our rights and the protection of our interests in those parts. I asked the noble Lord (Lord Palmerston) at the commencement of the Session whether he would lay on the table the instructions he had addressed to an Envoy-extraordinary whom he had himself sent thither in order to terminate the misconception and the disturbances, and open these new avenues to English commercial enterprise; but who had failed in that special mission; but the noble Lord objected, because though that Envoy (Lord Howden) had failed, there was another special mission just sent out; and he thought the production of the instructions might prevent the happy termination of the new negotiations. That new Envoy has also failed in his attempt; but I suppose it would be useless for me to ask for his or for the former instructions again, because a third special mission since Parliament met has been sent out. Let me remind the House of this circumstance, unprecedented in the diplomacy of any country, that we have employed six Envoys-extraordinary in that part of the world on missions which probably nobody understands, for purposes which we all feel, because British interests are greatly at stake; and there is, I believe, at this moment not the slightest prospect of this country obtaining any satisfaction whatever; as far as we know, we are as distant from a termination of the matter as ever. I am obliged to form my opinion, in the absence of any information from the Government, from that which I read in the foreign journals of the country in question; but is it not specially the duty of the House, in voting these immense sums, to inquire how it is that the experienced Mr. Mandeville, our Minister at Buenos Ayres, received instructions which did not attain the desired result, and was summoned back to England; that Mr. Ouseley was sent out on a special mission and recalled; that the adventurous Mr. Hood was despatched, and the chivalric Lord Howden, and our friend Mr. Gore, and now a new Minister is at this moment on his way not to Montevideo, but to Buenos Ayres; and there is not the slightest information given to the British nation by the Minister, while mercantile houses of great importance are failing in consequence of these matters not being settled? The expenses of six missions have been voted by this House; surely this is a time to ask what prospect there is of a satisfactory termination of these negotiations—of our rights being vindicated, and our interests protected in that quarter; what amount of force we have there, whether it is of that extraordinary amount that ships that were cruising on the coast of Africa have been sent to carry on warlike operations there? These are questions which I think Her Majesty's Government ought to answer. I trust that before we pass this vote, the merchants of this country will have some satisfactory explanation on the subject of these two blockades, which have occasioned them so much loss. I see, from an official French source, that France has resolved to enforce a most stringent blockade of Buenos Ayres instantly, which cannot fail to have a most injurious effect on the interests of our commerce. Up to a recent period, although these blockades have been established, our merchants have had the means, to a certain extent, of carrying on their commercial operations; but if these blockades in the Baltic and at Buenos Ayres should be strictly enforced, the consequences to our commercial interests will be most grievous; and upon an occasion like this, when we are about to vote money for the naval force of this country, I think we are entitled to ask for an explanation, and I hope we shall receive it.

Viscount PALMERSTON: With regard to the first of the two blockades to which the hon. Member who has just sat down has directed his observations, I am sure that both he and the House will see that it was not a blockade which we imposed, and therefore that we are not entitled to force it. I should say, in the first place, that the original blockade by the Danish fleet of the German ports was afterwards relaxed to a great degree, and that, owing to the hopes which prevailed that an armistice would be signed, that blockade had nearly ceased. Accounts, however, have since been received, that if the armistice is not signed by the 15th inst. the Danish Government will feel obliged to reimpose that blockade, Now, no one will deny the right of Denmark to impose this blockade as a measure of additional retaliation. The only functions, therefore, which British ships of war would have to perform in the Baltic and the North Sea would be to take care that the blockade was enforced in conformity with the law of nations; and we have the best assurance that the Danish Government will not do more than what the law of nations authorises, and therefore there is no necessity for the presence of any of our ships of war on that coast. The hon. Member wishes to know what prospect there is of that armistice being signed. It is not very safe, when so many parties are concerned, to indulge in any predictions; but I still entertain hopes that the armistice may be concluded. The main difficulty is that which I stated the other day, the difficulty occasioned by the Diet having ceased its functions, and having transferred its authority to the Administrator of the Empire, whose sanction to the armistice it is considered must be obtained. There are other matters of minor detail which probably may be settled between the parties; but, however, I am in great hopes that there is a fair disposition on both sides to come to an armistice, and, if so, I should hope that the material questions at issue will be put in a train for an early and satisfactory adjustment. With regard to the affairs of the Rio de la Plata, nobody regrets more than I do that they have been so long unsettled; and perhaps it would not be prudent to indulge, at present, in hopes of a satisfactory solution of that question. Every one knows that we are not answerable for the original movement which led to the present state of things there. The late Government, in conjunction with the Government of France, entered into an undertaking which we have been obliged to take up, but for which we are not responsible. The hon. Member said that six different Envoys had been sent out to conduct negotiations; but he has somewhat overcalculated the number. Neither Mr. Mandeville nor Mr. Ouseley had been sent out from this country for that purpose. [Mr. DISRAELI: I did not say " sent out," but " employed."] Mr. Hood was undoubtedly sent out by the Earl of Aberdeen, and his mission did not succeed. The reason was, that the two Governments had not given, as it was intended to do, instructions to their respective agents. Lord Howden then went out, and his mission did not succeed either, though without any blame being imputable to Lord Howden, for no man could have shown more discretion or judgment than he displayed. There was unfortunately a difference of opinion between him and the French representative, on a question which was not provided for by their joint instructions; and that difference ended in Lord Howden raising the British blockade, while the French representative did not feel himself justified in raising the French blockade. Captain Gore then went out, and his mission cannot be said to have been altogether unattended by success. Since his departure, however, the French revolution has broken out, and a question has arisen whether the powers of the French representative have not ceased, and whether they do not require to be confirmed. With regard to the amount of the squadron employed, the Admiralty will be able to state the exact figures; but I know that the number of vessels engaged on that coast has been diminished, in consequence of the hope which was entertained that hostilities would altogether cease. There is no doubt that there has been a great interruption to the trade of this country in consequence of this blockade. There has, indeed, been an arrangement, though not a very regular one, that merchant vessels, notwithstanding the blockade, should be allowed to go to Buenos Ayres, after paying import duty at Montevideo. At the same time there is no doubt that grievous inconvenience has been suffered by the trade of this country in consequence of the blockade; and I can assure the hon. Member and the House that no effort will be spared on the part of Her Majesty's Government to bring this unfortunate transaction to an honourable conclusion. I believe the Government of England and France are both agreed on the subject of terminating the existing state of things as speedily as possible. I should explain, however, that it does not form any part of the arrangement between the two Governments to open up, as the hon. Member expressed it, any fresh communications with Paraguay; and I am afraid that, even if this were done, any expectations that Paraguay would afford a great and fruitful field for British commerce, would be greatly disappointed. The population of Paraguay is exceedingly small, and their productions very small also. They want very little of that which we can produce; and they have nothing to give us in return, except some very bad bark. With regard to the right of navigation, we are prepared to acquiesce, in America, in that principle of public law which we maintain in Europe, namely, that countries through which rivers pass—

if they be really rivers, and not arms of the sea—are entitled to command the navigation of those rivers; and that if a river runs between two countries, it belongs to them to make such regulations for its navigation as they may think fit. It forms, therefore, no part of the arrangement between England and France, to interfere with any regulation made with reference to the Parana and the Paraguay.

Mr. DISRAELI observed, that the noble Lord had named five out of the six agents who had been employed to negotiate, but he had not said a word about Mr. Southern, who had just gone out to Buenos Ayres. The House would recollect that we were in a state of *quasi* war with General Rosas, and that we were in possession of the fleet of the Argentine Republic. The noble Lord had omitted to inform the House what was the change in the prospects of our commercial interests which had induced him to alter the course of diplomatic negotiation. The noble Lord had said that Paraguay had but a small population, and that our trade with that country would be insignificant. The House had also been informed that China, with a population of 350,000,000, was not likely to take much of our manufactures, from which he drew the conclusion that it would be as well not to relinquish idly our home and colonial markets.

Viscount PALMERSTON said, it was true that the fleet of the Argentine Republic had been detained, but the squadron was to be given up the moment matters were settled between the contending parties in the River Plate. Notwithstanding this, the intercourse between General Rosas and Lord Howden had been of the most friendly description, and Mr. Southern merely went out to replace the former negotiator. With regard to the trade with China, he must remind the hon. Member that our trade with Shanghae was of great importance, and of an increasing character.

Mr. URQUHART said, the Committee were much indebted to the hon. Member for Buckinghamshire for having asked these questions about Denmark and Buenos Ayres. With respect to the first, it appeared to him that we had not prevented an evil that was raging; and in the other case, we had caused an evil that was intolerable. That Denmark was entitled to our protection there could be no doubt; but it was not given, and, if any danger arose to us from the present conflict, he laid it to the charge of the Government of this country in abstaining from a just and proper exercise of its power. With respect to Buenos Ayres, we had been guilty of acts of commission and offence. Since 1841 we had, in combination with France, been guilty of criminal acts in the Rio de la Plata. The noble Lord had justly said, he was not responsible for the commencement of those acts; but he (Mr. Urquhart) spoke not of those who held the office, but of the office or the Government itself. He must, however, remind the noble Lord, that if he were not directly responsible for the offences that had been committed, instructions from himself were at the foundation of them. He would ask the Government whether they had submitted the transactions that had taken place in Buenos Ayres to the law officers of the Crown, and whether they had assented to them? The Government had refused to say whether, in the event of a contest in Sicily, they would employ the forces of this country on the one side or the other. If they were going to interfere in the affairs of Italy, as last year they did in Portugal, then they would again expose this nation to the infamy of committing unlawful acts. He asserted, that every officer who drew his sword in a wrong cause, or obeyed an order that was unlawful, was himself a criminal. Such was the law of this country, and such was the view taken by the Duke of York, when he was Commander in Chief. No order to shed blood could protect the man who obeyed it unless there had been a proclamation of war. But these ideas were not acted upon, and the result was, that the very idea of war was now associated with crime. He called upon the House not to sanction estimates that would enable the Government to act in regard to other foreign countries as they had done in the case of Buenos Ayres and Montevideo, and to prevent British officers from being reduced to the position to which they had seen them brought, through the illegal conduct of the Government. Without a formal declaration of war they could not send troops against a foreign Power. He had received a letter from General D'Aguilar, the officer who had commanded in China, adverting to a statement which he was reported in the *Times*, of the 25th ult., to have made, that no just comparison could be drawn between the operations in Caffreland and the operations in Canton, because, in the one they were according to superior orders, but no such orders had been given in the other. The hon. Gentleman then read the letter of General D'Aguilar, which embodied a communication from Sir J. F. Davis, Her Majesty's Plenipotentiary in China, and Governor of Hong-Kong, stating that, under the circumstances, he had come to the conclusion that there was no other remedy but to proceed to Canton with a force, and demand redress on the spot, which, from the despatches he had received, seemed to be a course in accordance with the feelings of Her Majesty's Government; and such being the case, General d'Aguilar would leave it to the candour of the hon. Gentleman to acquit him of acting without orders. The hon. Gentleman also read his reply, in which it was stated that the *Times* report had wholly mistaken the point. He did not mention Canton; nor did he draw any distinction between the service in Caffreland and in China in respect of orders. What he said was, that in the one case the forms of war had been observed, and not in the other. His observations applied to the whole series of transactions in China; and he described them as lawless and piratical from the beginning to the end; and that, therefore, he could not allow any comparison to be drawn between any officer employed in the one country and any officer employed in the other. His doctrine had been confirmed by the decision of a court of law in 1842. A question was raised as to the legality of the war in China, when the Judges unanimously decided that there had been no war, and by that decision, therefore, they declared that the operations in China did not amount to a legal war, but to a piratical enterprise. He should vote against a farthing of public money being granted for the present purpose, unless the noble Lord at the head of the Government should declare that henceforward the naval force of the country should not be employed abroad without warrant.

VISCOUNT INGESTRE observed, that the object of this vote was to grant a sum of 122,000*l.* to make up a sum of which part had been already voted, and on that question he confessed he did not expect to hear a dissertation on the law of nations. He could not concur in what had fallen from the First Minister of the Crown as to the appointment of the Committee on Navy Estimates. It would have been much better in the first instance to have voted the supplies on the responsibility of Ministers; and thus the Committee might have sat to consider how they should afterwards be granted. He regretted to see that the Committee had touched so lightly upon the large expenditure which had been incurred during the last fourteen or fifteen years in the building and altering of ships. In his opinion that would have formed a most valuable branch of inquiry to have entered into. He hoped that the plan of retirement would be extended to that valuable class of officers, the masters and lieutenants of Her Majesty's Navy.

CAPTAIN PECHELL begged to say that, as far as he could discover, the Navy was never in a more efficient state than at the present moment; and as regarded the manning of the ships, he must do the hon. and gallant Member for Glocester (Captain Berkeley) the justice to say, that much of that was owing to the ability and perseverance which he had shown on the subject. The class of officers in whose behalf he wished to say a word was, the masters of Her Majesty's fleet. They complained that although an Order in Council gave them the rank of lieutenant, and empowered the Board of Admiralty to give them the rank of commander, the Board had shown an indisposition to act upon that order. He hoped that the gallant Officer below him (Admiral Dundas) would attend to the petition of those old and meritorious officers, to see that justice was done to them.

CAPTAIN HARRIS concurred with the hon. and gallant Member, not only in his views with respect to the claims of the commanders and lieutenants, but also of the masters. He considered that the claims of those officers were as strong as those of the captains; and, as the change would not be for many years, he hoped the Government would not refuse their just claims. There was another point to which he would advert, and which he considered to be within the reach of the Admiralty—he meant the necessity of making timely preparation for manning the Navy in the event of a sudden breaking out of a war. The question required only to be grappled with and looked boldly in the face, and it would become perfectly easy of accomplishment.

Vote agreed to.

House resumed, and adjourned at One o'clock.

PROTEST

PROTEST OF LORD MONTEAGLE AGAINST AGREEING WITH THE AMENDMENTS MADE BY THE COMMONS IN THE EVICTED POOR BILL.—Monday, July 31, 1848.

Dissentient,—

1. Because, although the Commons have agreed to several very important Amendments made by this House in the Evicted Poor Bill, an enactment is continued which substitutes the names of the parish or barony, electoral division, and townland, on which a writ of *habere* or decree is proposed to be served for the actual names of the persons who have been ejected and not reinstated in their possessions.

2. Because, from the great extent of many of these denominations of land, a notice of the names of the lands will fail to communicate to the relieving officers the information they require, in order to examine into the several cases of distress which may arise, and to enable them to decide what relief should be granted.

3. Because it is more consistent with sound legislation to give a notice which will be intelligible and effectual, though necessarily given twelve hours after the eviction shall have taken place, than a notice unintelligible and delusive, served forty-eight hours before such eviction.

4. Because, even if the relieving officers were enabled by a communication of the names of the lands to ascertain all the persons liable to eviction under the writ of *habere*, or the decree, this knowledge would be no sufficient guide in order to determine what parties may ultimately lose the possession of houses or lands, and may thus be entitled to apply for relief.

5. Because, in all cases in which ejectments are brought for non-payment of rent, it is impracticable to ascertain beforehand whether, at the latest moment the process may not abate by the payment of the rent due from the tenant.

6. Because, in many cases in which ejectments are brought for establishing title, the tenants, on delivering up possession, are immediately after restored to their respective occupations, and in this instance, as well as in that previously stated, notices will still require to be served on the relieving officer where no claim for relief under this Bill can by possibility arise.

7. Because, it is inexpedient and dangerous to sanction a general departure from the ordinary law and practice upon statements made *ex parte* of special cases of alleged oppression, and more especially where the changes proposed create an important variance between the law of Ireland and that of other parts of the United Kingdom.

8. Because, whilst on all these accounts the Amendments made by the Commons are open to many serious objections, the legitimate object of the Bill—namely, the relief of the really evicted destitute poor—will be made more uncertain and more difficult than if the Bill had continued in the form agreed to by this House, and will thus be rendered less effectual for the purposes contemplated by the Legislature in its enactment.

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☞ *The * indicates that no Debate took place upon that stage of the Bill.*

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